

ROMANE HISTORIAE ANTHOLOGIA,
AN
ENGLISH EX-
POSITION OF

THE ROMANE AN-
TIQVITIES, WHEREIN
many Romane and Eng-
lish offices are paralleld and
divers obscure phrases
explained.

BY

THOMAS GODWYN *Master of Arts.*

For the vse of ABINGDON Schools.

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VENERABILI ET EGREGIO VI-
RO DO. FRANCISCO JAMES LEGVM

Doctori, Curix audientix Cantuariensis
causarum & negotiorum Auditori,

Reverendi Episcopi Bathoniensis

& Willensis Cancellario

disquisito.



VOTIE S mihi in mentem re-
deunt, redeunt autem mul-
toties, crebra illa cāq; aurea tua
hortamina, quibus veluti frigi-
dā suffusā mihi puero in literarū
stadio currenti animos feceras:
toties (vir ornatissime) me ære
tuo ita obrutum sentio, ut non
facultas modò, sed & spes omnis nomen meum ex-
pungendi de tabulis tuis præcidi videatur. Novæ sci-
licet mihi impetrandæ sunt tabulæ, nam de sorte ac-
ceptā jacta est alea; & ita jacta, ut nec reliquum mihi
sit quo sceneralia sum solvendo; nisi numismata hæc,
quæ & antiqua sunt & plumæ ea (id est) Antiquitates
has, in quibus vereor ne me reperias hominem (ut cū
Terëtio loquar) plumbeum: sed fas sit addere (ex eodē
Terentio) antiquæ fidei; sceneraliorum vice accepe-
ris. At quid tibi cum sceneratione? Utpote qui scē-
nerari

nerari beneficium non soles, sed illud pulchrè scenera-
tum putes, quo qui accepit rectè utitur: & quid mihi
cum solutione? Qui scilicet putare debeo me novum
beneficium accepisse, si hoc nostrum officium boni
consulas, me devinctiorem tibi factum, si dignaberis
tuo nomine (tanquam insigni aliquâ gemmâ) ornare
hoc meum opusculum: quo nomine non me solum,
sed juventutem omnem (nempe antiquitatum studio
fam) plenius tibi demereberis; mihi si quid gratiarum
à cādido lectore, lectori si quid utilitatis ex nostris lu-
cubrationibus accrescat, hoc ille, illud ego, tibi uni ac-
ceptum seramus necesse est: nec enim quod res est
diffitebor, nisi quòd ardens cuperem inopitam no-
stram tui recordationem notam facere, nostræ certè
antiquitates adhuc sopitæ & ignotæ jacuissent, nec
extra privatos parietes subreptiassent. Deus Opt.
Max. dignitatem tuam quàm diutissimè servet inco-
lumem. Datum *Abingdonia decimo Calend. Aprilis.*
Anno 1613.

*Tua dignitatis omni obsequio
observantissimus.*

THOMAS GODWINVS.



BENEVOLO LECTORI, S.



*T*ria angustior potissimum, futura in hoc opusculo, quae parum faciant ad aliquorum hominum palatum; quae tamen singula lectorem aequum spero aequi consulturum. Primo agere ferent quod antiquitates haec suo debito. i. Romano desitmantur nitore, & idiomatis nostri solacium (tanquam tot lacertis pannis) vestita foras extrudantur: secundo insinulabunt me gravem rei literariae iniecit plagam, nempe qui hac ratione feci, ut qui vis sumivendulus Grammatista poterit in lectione Ciceronis sine cortice natave, poterit gryphos antiquitatum, qui passim historiarum occurrunt sine negotio solvere: tertio hoc illos male torquebit, quod tota mea textura est adeo inconcinna & inconsona, adeo sterilis & humi serpens, adeo sanguinis & sublimitatis expertus. Primo velim intelligant me non tam exuisse ex suo nitore, quam exuisse ex tenebris, nempe transfundendo eas in linguam magis cognitam. Secundo sciant me, non aliam mente accessisse ad hoc opus, quam ut meo labore cuiusvis sciolo & tyrunculo, vixdum literarum studiis initiato, imò pueris adhuc sub ferale militantiibus, facilius aditus ad adyta haec patefieret: de sterilitate quam mihi impingunt, me mihi plando, relictusq; nomine perspicuitatis eam dici oportere contendendo; quid emolumenti enim ex ampullosis istiusmodi verborum prodigijs (quibus fulminare, nullus est elementarius qui, si velit, nequit) emergit lectori? praesertim tyrunculo, quem ista verborum constra magis admiratione afficiunt, quam instrumentum cognitionis. Sed his missis, Lectorem benevolum monitum

velim, ut quoties antiquitates Romana, quoties antiqua al-
qua lex, quoties minùs vſitata diſtiones, vel diſtionum ſigni-
ficationes, quoties paræmia ex his antiquitatibus enata illum
morantur in lectione autorum, Ciceronis præcipuè (enipra ca-
teris meum erat conſilium lucem injicere) ut indicem meum
vice Diſtionarij conſulas: vel ſi magis placebit, ſadum quod
ex gravioribus ſtudiis obrepere ſolet, diſcutias & exuat, lec-
titando has antiquitates, in quibus nihil occurrat ceratinnu
quod negotium cuius facessat, nonnulla forſan qua ſopitum
lectoris animum everberent & exacuant magis. Vale.



GODWINE noli, pergisti in scitè facis
Vulgò Camænas edere.

Romana spernis lingua conari sonos
Idiomate extrusos novo.

Godwine pergas, fallor; eximie facis

Doctas Camænas edere:

Antiqua Romæ verba conari doces

Labore iuvenes improbo.

LAV. HUMFREDVS.

In Romanæ Historiæ Anthologiam, pueris
Ciceronis anagnostis à Tho. Godwino
concinнатam.

DIversis diversa frutex animalibus idem
Pabula dat: Radix, sua tibi, dulce sapit;
Dum florem delibat apis; roremq; Cicada;
Et bacchas, volucres; germina, capra legit.

Qui Ciceronis adit sinuosa volumina Lector,

Non eadem quivis, queis saturetur, avert.

Lexios hic veneres mavult, suadaq; medullam,
Schemataq; & phaleras, Lætiasq; verba sequi.

Ille amentatas potius mirabitur hastas,

Argumenta, quibus causa perempta cadit.

Sunt quibus Antiquiritus, quos prisca vetustas

Servat in Archivis perplacuisse magis.

Talem tu Godwine tuo polyhistora libro

Efformare piâ sedulitate studes.

Nec labor incassum cedit; tibi nempe Minerva

Gloriaq; & stabilis fama si dux poterit.

In eadem
herba apis flo-
rem, capra
germen, sus
radicem cap-
tat. Plut. lib.
de Poetis
Audiendis.

IO. SANFORDVS.

A short table shewing the argument of every
Booke and Section.

Lib.	1 Of the Ro- mane citie. Sect.	1. Of the chiefe parts thereof. 2. Of the generall divisions of the Romane people.
	2 Of the Ro- mane religio- on, Sect.	1. Of certaine generall divisions of their Gods. 2. Of the Romane Priests with some par- ticular Gods. 3. Of certaine collaterall appendices be- longing to the Romane religion (ex. gra.) of the Romane yeare, where ob- iter of the Cal. Ides, and Nones, vvith certaine distinctions of the daies. Se- condly of their playes where chiefly the parts of a comedy or tragedy are shewd. Thirdly of their maner of taking meat. Fourthly of the Romane gownes and coats. Fifthly of their rites in marriages and burials.
	3 Of the state politically. Sect.	1. Of their assemblies, called Comitia. 2. Of their ciuill Magistrates. 3. Of all those lawes, which I haue obser- ued to be touched in Tully his orations. 1. Of their maner observed in establishing ther leagues. 2. Of the Romane Legion and the parts therof.
	4 Of the art military, as it was pra- ctised by the Romanes Cap.	3. Of the maner of besieging a city. 4. Of the punishments towards enemies captivated. 5. Of punishments towards the Romane souldiers offending. 6. Of certaine rewards after the persore maner of any noble exploits.



THE ROMANE ANTIQVITIES
expounded in English.

Lib. I. Sect. 1.

Of the chiefe parts of the Citie.

CHAP. I.

De monte Palatino.

Romulus, and Remus being (as it is agreed vpon by most writers) ^a the first founders of Rome, built it at ^a Plutar. vic. the first in ^b forme of a quadrangle ^{Rom. Pighius.} vpon one only hill called *Mons Palatinus*, though *Fabius* lefe Rome, as ^b Rosin. antiq. lib. I. c. 1. it was first built, with the fieldes thereof painted in the forme of a ^c bow, the river *Tiber* beeing the string thereof. Vpon this hill was alwaies the seate of the ^d Sig. de iur. *Romane* Empire, which from the hill tooke the denomination of a Palace: and hence ^d all stately buildings, which we call Palaces, tooke their name, *Palatia*. This hill had his first appellation *Palatinus* ^e *quasi Balatinus*, ^e *à balando*, ^d Rosin antiq. lib. I. c. 4. from the bellowing of cattell, pasturing therein former times. But in processe of time sixe other hills by severall kings of Rome were added; whereby the city, and the *Pommarinus*, that is, the territories of the city were enlarged; and Rome was called *vrbs septi-collis*: the citie vpon seaven hills. Vpon this Palatine hill also stood the *Astuer*, or ^e *Var*.

f Alex. Gen.
dier. l. 3. c. 10.

sanctuarie of refuge, which *Romulus* opened f in imitation of *Cadmus*, who at the building of *Thebes* was said to haue opened a sanctuarie of refuge, whither whatsoever malefactor could escape, were he bond or free, he was not to bee punished. It was much like vnto a custome of the people in the citie *Croton*, who flying vnto the altars of their Gods, obtained the forgiuenesse of faults not voluntarily committed. Whence these two phrases are expounded alike, *Ad te tanquàm ad Asylum*, and *Ad te tanquàm ad aram confugimus*. i. we fly vnto thee as our only refuge.

CHAP. 2.

De monte Capitolino.

1 Rosin. antiqu. l. 1. c. 5.

2 Plutarch. in Romulo.

THIS hill was famous for three names : it was called *Capitolium*, *mons Tarpeius*, and *mons Saturni*. It was named *Saturnes* hill e from the heathenish God *Saturne*, who vouchsafed to vndertake the protection of that place. It was named the *Tarpeian* hill b from *Tarpeia* one of the Vestall Nuns, daughter to the chiefe-keeper of the Capitoll (this hill being the castle of defence for the whole towne) For this *Tarpeia* betrayed the Capitoll into the enemies hands, bargaining to haue the golden bracelets vpon her enemies left hands for this her treason. Now the enemies when they were admitted in, did cast not their bracelets alone, but their bucklers also vpon her, through the weight whereof shee was pressed to death: vpon which occasion the whole hill was afterward called the *Tarpeian* mount; but more principally a certaine rocke of that hill called *Tarpeia rupes*, from whence malefactours were sundry times tumbled head-long. The same hill was likewise called the Capitoll, because when the foundation of a certaine Temple, built in the honour of *Iupiter*,

was

was laid, a mans head full fresh, and lively, as if it had beene lately buried, ⁱ yea hot blood issuing out of it, was found there. ^k *Arnobius* saith, that the name of this man being aliue was *Tolus*, and hence from *Caput* and *Tolus* the whole hill was called *Capitolinus*.

ⁱ Dion. Hall-
car, lib. 4.
^k *Lipsius* de
magnitud.
Rom. cap. 7.

CHAP. 3.

De colle Quirinale.

THis hill being in former time called *Agonalis*, then began to be called *Quirinalis*, whē certaine *Sabines*, called in Latine *Cures*, came and inhabited there, (truce being made betweene the *Romanes*, & the *Sabines*;) though some would therefore haue it named *Quirinalis*, because there was a temple erected in the honour of *Romulus*, called also *Quirinus*. It was called in the time of the Emperours *mons Caballus*, that is, the horse-hill, taking its denomination from two marble statues of *Alexander* taming his horse *Bucephalus*: which statues *Constantine* the Emperour brought to *Rome*, and placed thē in the midst of certaine bathes, which he made vpon this hill. There do appeare in this hill three risings, or hillocks, the one being called *Salutaris*, the other *Martialis*, & the third *Latiaris*. All this may be collected out of ⁱ *Rosinus*.

ⁱ *Antiq. Rom.*
lib. 1. cap. 6.

CHAP. 4.

De monte Calio.

THis hill hath his name from a certaine = captain of ^m *Alex. Gen.* *Herruria*, which assisted *Romulus* against the *Sa-* ^{dies lib. c. 19.} *bines*. On this hill king *Tullus Hostilius* erected state-ly edifices, which for a time served as his palace: but afterward they became the chiefe Counsell-house, whither the

^a Alex. Gen.
dier. l. 1. c. 16.

^e Rosin. antiq.
lib. 7. c. 6.

^f Rosin. *Ibid.*

^g Munster. in
sua Cosmog.
lib. 1. cap. 9.

^h Alex. Gen.
dier. l. 6. c. 11.

Senators assembled themselves, for the determining of State-matters: & because this *Curia* did farre exceede all others, therefore authors many times vse this word ^a *Curia* simply; without any adjunction to signifie *Curiam Hostiliam*, as if there were no other. It much resembleth our Privy-counsel chamber in respect that none might sit there, but only *Senators*; whereas in the court-house, which *Pompey* built (being therefore called *Curia Pöpeia*)^e other city-Magistrates were admitted amongst the *Senators*; and in *curia Iuliä*, i. the court-house which *Iulius* made, were examined ^f for-reigne matters, as Embassages: but in *curia Hostiliä* domesticall matters only were treated of, and that only by the *Senators*. ^g At this present time this hill is beautified with many Christian Churches, as the Churches of *S. Steven*, *S. Paul*, and *S. Iohn*, our Saviours Hospitall, &c. ^h It was also called *Mons Querculanus* from the abundance of oakes growing there.

CHAP. 5.

De monte Esquilino.

ⁱ Rosin. Antiq.
l. 1. cap. 8.

THis hill was so named *quasi excubinus ab excubijs*, i. frö the night watching which *Romulus* did vnder take vpo that, somewhat distrustling the fidelity of the *Sabines* in the beginning of their league. In this hill there were three hillockes named *Cispius*, *Oppius*, and *Septimius*.

CHAP. 6.

De monte Aventino.

^k Alex. Gen.
dier. li. 6. c. 11.

THE Aventine mount tooke his name^k from *Aventinus* a certaine king of *Albanum*, which was there buried. Vpon this hill stode *Hercules* his altar, and cer-

certaine temples consecrated to *Iuno*, *Diana*, *Minerva*, *Lucina*, and *Murcia*. i. *Venus*: whence the hill hath sometime been called *Diana* her hill, & *Mons Mircius*. "Heere" *Alex. Gen.* were those *Scala Gemonia*, whither condemned persons *dier. lib. 3. c. 5.* were dragged, and forcast headlong into the river *Tiber* downe a paire of staires. Vpon this mount *Remus* would *Plutarch.* in haue built *Rome*, & therefore it was called *Remonius mons*, *romulo*. But since it hath beene called *mons Rignarius*, as it appeareth by *Plut.* in the same place. It had moreover the name of the holy mount, being called in Latine *Mons sacer*.

CHAP. 7.

De monte Viminali.

BEcause of the abundance of wicker twigs, which did grow vpon this hill, it was called *mons Viminalis*, *vimen* signifying a twigge, or ozier. I am not ignorant that some would haue this hill to be named *Viminalis* from *Iupiter Vimineus*, whereas *Iupiter* himselfe was named *Vimineus* frō this hill, because he had here many altars erected in the honour of him. Both this hill, and *Iupiter* were called *Faguales* from *sylva fagea*. i. a cops of beech-trees, which did grow therevpon. *vid. Rosin. Antiq. lib. 1. cap. 9.*

CHAP. 8.

De tribus collibus adiectis.

THree other hills there were; which in proesse of time *Rosin. Ant. l.* were added vnto the city, which partly because they *1. cap. 11.* were not included within the *Pomarium* so soone as the other, but chiefly because they were not of such note, therefore *Rome* retained the name *Septis. collis*. i. the city vpon 7. hills: The first of those hills was called *Collis hortulorum*. i. the hill of gardens, so termed because of the many gardē

* Barthol. La-
tomus in Ver-
rin. 7^m Cic.

neere adjoining.^a Here was the Cirque, or the shew-place of the strūpet *Flora*, which made the people of *Rome* heire to those goods which shee had gotten by prostituting her body to young gentlemen, leaving also a certaine summe of mony to procure a celebration of her birth-day : which because of her infamie the people shaming to doe, they seined her to be the goddesse of flowers, and that shee must first be appeased by sports, and plaies performed in the honour of her, before the trees and fruits of the earth would prosper. The second was called *Ianiculum*, from *Iannus* that two-faced God: who, as writers testifie, was there buried. It did lie beyond the river *Tiber*, and now hath changed its name, being called from the yellow sands *mons aureus*, and through negligence of the Printer, *Montorius*, i. the golden mountaine. The third was famous for the many divinations, and prophecies vttered ypon it, and thence was it named *Vaticannus* from *Vaticinium*, a foretelling.^a It is at this time famous for a library in it, called *Bibliotheca Vaticana*.

3
* Munster in
sua cosmog. li.
3. cap. 8.

CHAP. 9.

De Foro Romano.

FORUM hath diuerse acceptions: sometimes it is taken for a place of negociation, or marchandising, which we call a market-place; and being taken in this sense it hath commonly some adiectiue ioined with it, as *Forum boarium*, the beast-market, *forum piscarium*, the fish-market, *Olitorium forum*, the hearb-market. Other times it is taken for any place, whersoever the chiefe governour of a province doth conuocate his people together, there to giue iudgement according to the course in law: whence a man is said *Forum agere*,^b when hee keepeth the Assises, and *Forum indicere*, when he appointeth the place, wherethe Assises shalbe kept. Thirdly it is taken for a place, where con-

* Hubertus in
Cic. lib. 3. ep.
1. lib. 6.

troversies in law are iudicially determined, and orations
 are had vnto the people. And of this sort there were fixe
 distinct *Forums*: One called *Forum Iulium*, because it was
 built by *Iulius Caesar*. A second was added by *Ottavius Au-*
gustus, called therefore *Augusti Forum*. The third *Forum*
 was founded by *Domitian* the Emperour: but by reason of
 his suddaine death *Nerva* had the finishing thereof: It had
 the name of *Forum Transitorium*, the transitorie *Forum*, be-
 cause there was *transitus*. i. a way or passage through it into
 three severall market places. A fourth was added by the
 Emperour *Traianus*, wherein was erected a stately columne
 or pillar 140. cubites high, having all the noble exploits
 performed by *Traianus* engraven in it. Another was called
Salustij Forum, because *Salust* bought it with diverse gar-
 dens adjoining, which since haue bin called *horti Salustiani*.
 The last *Forum*, which indeed was first built, and in all re-
 spects excelled the rest, was called *Forum Romanum*, and
Forum vetus, or by way of excellency the *Forum*, as if there
 were no other *Forum*. Where we must vnderstand, that as
 often as *Forum* is vsed in this latter sense, namely for a plea-
 ding place, it is so vsed figuratiuely, by the figure Synecdo-
 che: for in truth the pleading place, wherein Orations were
 had, was but one part of the *Forum Romanum*, namely that
 Chappell, or great building, which they called *Rostra*.
 Round about this *Forum Romanum* were built certaine
 trades-mens shops, which they tearmed *Taberna*; and also
 other stately buildings called *Basilica Pauli*. Here was the
Comitiu, or hall of iustice; the *Rostra*, .i. the Orators pulpit;
Salutis sanctuary, or the common treasure house; & Ca-
 stors temple: of all which in their order.

Rosin antiq.
 lib.9.c.7.

1
 2
 3

4

5

6

4 Henr. Salm.
 in Pancirolli
 lib.rerum de-
 perdit. cap. de
 Basil. & taber.

CHAP. IO.

De Basilicis.

Ba.

* Sigon. de ju-
dicijs lib. 1.
cap. 18.

Basilica were vpper buildings of great state and much cost, being supported with *Rsle*. i. flat-sided pillars; & having vnderneath them walkes, much resembling our cloisters, saving that the *Intercolumnia*, or space betweene the pillars lay open vnto the very ground. That they were vpper buildings may bee collected by the custome of many men, which were wont to walke vnder these Basilical buildings, and therefore were called *Subbasilicani* by *Plan.* *ius*. The vse of these were principally for the Iudges to sit in iudgement: but in their absence it was lawfull for marchants to deale in their businesses. Those of chiefe note were three, thus named, *Pauli*, *Porcia*, and *Italia*.

CHAP. II.

De Comitio.

* Sig. de iud.
lib. 1. cap. 7.

Comitium^f was a part of the *Forum Romanum*, being a great large hall of iustice, which for a long time was open at the top having no covering, and for that reason the assemblies were often dissolved in rainy, or vnseasonable weather. In it stood the *Tribunal*, being a place erected vp on high in forme of our pulpits, but manie degrees larger, & in the midst thereof the *Sella Cornelia*. i. the Ivory chaire, frō whence the chiefe magistrate administred iustice; other inferior magistrats sitting on bēches on each side, which were called *Subsellia*, because they were lower thē the *Tribunal*. Those which sate vpon these benches had powor *cognoscere*, but not *pronuntiare*; much like to our Iustices at the Assises, which may examine or informe against a malefactor, but not condemne him. Where wee may obserue the difference betweene *Comitium*, signifying such an edifice, or building, and *Comitia*, signifying the Romane assemblies: both being so called à *cœnudo*. & In this hall did stand an Altar, vpon which the Iudges laying their hands,

* Sig. de iud.
lib. 1. cap. 18.

did

did take their oath to administer iustice without partiality.
It was called *puteal Libonis*.

CHAP. 12.

De Rostris.

NEXT to the *Comitium* stood the *Rostra*, a goodly faire edifice in manner of the bodie of a Cathedrall Church. In it stood an orators pulpit deckt & beautified with the stemmes of many ships, which they got fro the people of *Antium* in a memorable battle vpon sea: and ^b hence from those ship-beaks called in Latine *Rostra*, hath this place taken his name. It may be englished the great Oratory, or place of common plea.

^b Hubert. in
Cic. lib. 8. ep.
fam. 1.

CHAP. 13.

De temple Castoris.

ANother part of the *Forum* was a sanctuarie built in the honour of *Castor*, and *Pollux*: the reason thereof was because they appeared vnto the Romanes in the Latine warre in the likenesse of two Angels sent from heaven to lead the Roman army, and to assist the Romanes against the Latines: who being vanquished, they suddenly were departed out of the field, none knowing how, and eve in the same moment they appeared vpon their sweating horses vnto the Roman citizens in the *Forum*, who taking them for souldiers demaunded what newes they brought home from the campe: they replied that the Roimans were conquerours: which newes being delivered, they suddenlie vanished, and were seene no more. Vpon this occasion did *A. Posthumius* being at that time *Dillator*, build a Temple in that place of the *Forum*, where they were scene in honour of them both. Although in the after ages it had the name only of *Castors* Temple; Whence arose the ieast of *M.*

¹ Sueton. in
Iulio. Cesare.

Bibulus against his fellow Consul *Julius Caesar*, saying that it fared with him, as it did with *Pollux*. I. as this Temple which was erected in the honour of both the brethren, carried the name only of *Caesars* Temple; so the great expences in exhibiting shewes in the time of their Consulshippe though they went deeper on *Bibulus* his side, yet *Caesar* carried away all the thanks, and credit. Insomuch that the people being wont to subscribe the names of both Consuls at the end of their deeds, and Charters, for a remembrance of the yeare; that yeare they wrote, Such a thing done not *Bibulus*, and *Caesar*, but *Julius* and *Caesar* being Consuls.

CHAP. 14.

De aede Saturni.

^k Plutarch.
in Publicola.

^l Alex. Gen.
dier. 1. 4. c. 15.

^m Alex. Gen.
dier. lib. 2. c. 2.

ⁿ Alex. Gen.
dier. 1. 4. c. 15.

S *Aturnes* sanctuarie^k was the common treasure house, wherein the subsidie mony which the commons payed vnto the treasurers called *Quaestores*, was to be laid vp: whereof diuers men coniecture diuersly. *Alexander Neop.^l* saith, that *Saturne* found out the vse of brasen mony: and therefore this Temple might be thought the fittest place for the treasure. *Plutarch* thinketh rather that the making of the treasure in that place did allude to the integrity of the time, wherein *Saturne* reigned, being the worlds golden age.^m But the most receaved opinion is the strength of the place, whereby it was the safer from theeuers. This temple by reason of the vse it was put vnto, was called *ararium* from *ar.* i. brasse: which name now is common to all treasure houses; for that the first mony vsed by the Romans was of that metall, vntill the yeare of Rome 485. (as *Plinie* witnesseth lib. 3. cap. 33.)ⁿ Some are of opinion, that before the vse of brasse they made money of leather: whence *Numa Pompilius* is said to haue given leather mony in a dole vnto the people. Touching their order obserued

ved in the treasure, wee must vnderstand that their care in providing against suddaine dangers was such, that they laid aside the twentieth part of their receipts, which they called *aurum vicesimarum, Lucentimarum, and Cimiliare*, into an inner chamber, or more sacred roome, named in Latine *ararium sanctum*. Wee may read also a of third treasury called *ararium militare*, wherein *Augustus* had appointed that the twentieth part of certaine legacies should be laid vp to defray charges in extraordinary wars: where it lay so priuiledged, that it was a capitall crime to vse any of it, but in extreame, and desperate necessity. Notwithstanding howsoever it was vsed as a treasure house, yet diuers authors testifie that the acts of their senate, the books of Records, together with such bookes, as were their immeasurableignes called *libri Elephantini*, wherein all the names of their Citizens were registred, and also their militarie ensignes, were contained there. And from those statute bookes called *tabula publica*, this treasury was also called *Tabularium*, because they were laid vp there,

Alex. Gen. dier. lib. 1. c. 2.

Servius l. 2. Virg. Georg.

Alex. Gen. dier. lib. 1. c. 2.

Plutarch in suis problemat. vid. Franc. Sylviu in Catilinari- am, 4.

CHAP. 15.

De campo scelerato.

Campus sceleratus, the field of executiō, lying within the city, ioyned to the gate *Collina*. It was the place, where the Vestall Nuns, if they were deflowered, suffered punishment after this manner. There was made a Vault vnder the earth with an hole left open aboue, whereby one might go downe; and within it there was a little couch with a burning lampe, and a few victuals: whither the defiled Votary was to bee brought through the market place in a litter so closed vp with thicke leather, that her mournings might not bee heard to the moving of pity. Shee being thus brought to the place of execution, was let downe by a ladder into the hollow caue, and the

Munster. in sua Collina.

Plutarch. in Numa.

hole presently stopped. And the reason why they suffered such a kinde of death, was because they thought it not fit, that shee should be burnt with fire, which kept not the sacred fire with greater sanctity. And it was thought vnlawfull to punish them by laying violent hands on them, because they had in former times served in so holy a function.

CHAP. 16

De campo Martio.

^a Rosin. antiqu. lib. 6. c. 11.

The ^a *campus Martius*, otherwise called *Tiberinus*, because it was neerer the river *Tiber* was given vnto the *Roman* people by *Caja Tarratia*, a *Vestall Virgin* but *Tarquinus Superb^b* the last king of *Rome* did take it from the people, converting it to his own private vse: in so much that he sowed corne there, which, when he was deposed, the *Romanes* did cast into the river *Tiber*, iudging it unfit that any man should reape any commodity from so holie a ground. In proesse of time the sheaves of corne being stopped in a shallow foard of the river, became firme ground, and was called the holy Iland, or *Aesculapius his Iland*. And presently after the expulsion of *Tarquinus*, this *Campus Martius* was restored vnto its former vse. Beside the naturall pleasantnesse of the place it selfe, it was beautified with many ornaments brought out of the *Capitol* (the *Capitol* being too full) as likewise with diuers images of well deserving men. Hither did the younger sort of *Romanes* come to exercise all matters of chivaldry, namely the horse-race, the foot-race, wrestling, sencing, vaulting, casting the bowle, the sledge, the darr, vsing the sling, the bow, with such like: & vpon this occasion it was dedicated to *Mars*, and called by *Strabo*, the *Romanes* great schoole of defence. In this field were men of best note burned, when they died. Here were the kings, & other magistrates at first created. In this ^a field of *Mars* also was a place at first railed, like a sheep-

^a Serv. in Eucol. eclog. 1.

Sheepe-pen, called therefore *Ovilia*, or *sepias*; but afterwards it was mounted with marble-stone, beautified with stately walkes, and galleries, and also with a tribunall, or seate of iustice, within which precinct the people often times assembled to giue their suffrages toward the election of magistrates. The meanes of ascending vp vnto these *Ovilia* was not by staires; but by many bridges made for that time; every parish in the assembly of parishes, and euerie tribe, or ward in the assembly of the tribes, and every hundred in the assembly of centuries having his bridge: whence this proverbe was occasioned, *de ponte dei sciendum, si he is to be barred from giving his voice.* These bridges were not made over any river, but over the dry land: whence men were said to be cast, *Non ut periclitarentur de vita, sed ne suffragarentur in Comitibus.*

7 Ioan. Saxo-
nius in orat.
pro S. Roscio.

CHAP. 17.

De Circo Maximo.

AMongst other places where the *Romanes* exhibited their plaies vnto the people, the most remarkable was the great Cirque, or shew-place, called in Latine *Circus Maximus*. It was a large peece of ground, lying neere that part of the *Aventine* mount, where *Dianas* temple stood. It was built by *Tarquinius Priscus* with diuerse galleries round about it, from whence the *Senators*, & gentlemen of the city did behold the running with great horses at lists, the fire-works, tumbling, the baiting, and chasing of wilde beasts, &c. In former time all did stand on the ground, being sheltered from the raine by the helpe of boards vpheld with forkes in manner of house-pentices: and this custome continued vntill the aforesaid *Tarquinius* erected those galleries, called *Fors*, making thirty distinctions of them, allotting every ward or company their several quar-

* Rosin. Ant. L.
3. cap. 4.

ters, all the seats being able to containe one hundred & fiftie thousand parties. Under these places were cels, or vaults, where women did prostitute their bodies, and would buy stolne goods, and for this reason *Horace* calleth it *Fallocom circum*. i. the deceitfull shew-place. There was at the one end of the circque certaine barriers, i. places barred, or railed in, at which place the horses began the race; and at the other end was the marke, whether the horses ran: it was called in Latin *Meta*, and the barriers *carceres*, à *coercendo*. Whence we say à *carceribus ad metam*. i. from the beginning to the ending.

CHAP. 13.

De Theatro.

* Iosch. Camerarius
orator, pro L.
Flacco.
b Servius lib.
2. Virg. Geor.

* Alex. Gen.
lib. 15. c. 16.

THE Theatre hath his name from the Greeke verbe *theatron*. i. to behold: because the people flocked thither to behold plaies, and shewes exhibited to them. The custom^b first sprang from sheep-herds, who leading a contemplatiue life, were wont to compose dialogues in meete, and at their leasure to recite them vnder the trees pressed downe in forme of an arbour; whence this theatrall tearme *theatron* hath beene derived from *thea*, a shadow. But afterward learned Poets composed Comedies, and Tragedies, which were publicly acted in the citty vpon a stage, and although at the first it was counted infamous to frequent them, yet afterward the Senators themselues, yea the Emperour, and all the chiefe of Rome assembled thither. Neither for long continuance were there any seats built, but commons and nobles promiscuously one with another all stode on the ground; insomuch that those which stood behinde, raised vp places with turfs of earth, which gaue the people occasion to call the place betweene those turfs, and the scaffold *Cavea*, i. a caue, or denne: yea sometimes the people that stood there were so called from the

the place. Though the Theatre be now taken only for the stage, yet then by it was vnderstoode all the whole roome, where these plaies were acted: and it had diuerse parts, some proper to the actors, some to the spectators. To the actors belonged first the *proscenium*, i. the house, whence the players came, where they apparelled themselves, though sometimes it is taken for the scaffold, or stage it selfe: secondly the *pulpitum*, that is, the stage, or scaffold vpon which they acted: and thirdly the *scena*, that is, the partition, which was commonly made of wood not of hangings. Now that they might change their scene according to their pleasure, they made it either *uersatilem*, i. so that with engines it might vpon the sudden be turned round, and so bring the pictures of the other side into outward appearance: or otherwise *duobus ilem*, i. so that by the drawing aside of some wainscot shuttles (which before did hide the inwarde painting) a newe partition might seeme to be put vp. And as I thinke, because those shepherds did act no more at a time, then one of our scenes, hence haue we distinguished our playes into so many parts which wee call scenes. The places which were proper to the spectators were distinguished according to their degree and place: for the remotest benches were for the commons, & called *popularia*; the next for the knights, and gentlemen of *Rome*, called therefore *Equestris*; the others, wherein the Senators did sit, were built betweene the *Equestris*, and the stage in manner of a triangle, or a wedge sharpe towards the stage and broade behinde, by reason whereof those seates were sometimes called *Cunei*, but more commonly *Orchestra*:^f this may be collected out of *Lipsius*. There was also another scaffold built quite round, made as it were of two theatres ioyned together; It was called *Amphitheatrum*, & differed from the theatre only as the full moone doth from the halfe, or a compleate ruine from a semi. circle. Vpon this kinde of scaffolds, did the masters

^d Serv. lib. 3.

Virg. Georg.

Servius, ib.

^f De Amphitheat. cap. 14.

Pancirollus

lib. rerum do-

perditarum

cap. de am-

phitheat.

^hLipſius de
Amphitheat.
cap. 3.

maſters offence play their prizes. The *area*, or plot of ground, wherein theſe ſcaffolds did ſtand, was called *cavea*, for the reaſon aboue-mentioned: & it was alſo called *arena*, which ſignifieth ſand, or gravell, ^h becauſe the ground was covered with ſand, that the ſencers, if any of them by chance fell of the ſtage, might not hurt themſelues. And this gaue occaſion of our Latine phraſe, *In arenam deſcendere*. i. to goe into the field.

CHAP. 19.

De Piſtrino.

THere remaineth another place yet to bee ſpoken of, whereof there is frequent mention in Comickall authors. It much reſembleth our bridewell, or place of correction, being called in Latin *piſtrinum à pinſendo*, from pounding. For before the uſe of mills was knowne the *Romans* did pound their corne in a greate mortar, calling the place where they pounded it, *piſtrinū*. Wherevpon our hād-mill hath retained the ſame name to this day: & becauſe of the great paines that men did ſuffer in pounding, hence grew a cuſtome among them, that when a ſervant had offended, his maſter would menace him in this manner, *In piſtrinum te dedam*, I will caſt thee into *Bride-well*.

CHAP. 20.

Moreover for the better vnderſtanding of clafficall autors, it will not bee impertinent to point at the generall names, by which their religious places were called: and to declare the proper acception of each name. The names being theſe *Templum*, *Fannum*, *Delubrum*, *Aedes ſacra*, *Pulvinar*, *Sacrarium*, *Lucus*, *Serobiculum*, *Ara*, *Altare*, *Focus*.

De Templo.

This worde *Templum*, doeth ſometime ſignifie thoſe
ſpa

spaces, and regions in the ayre, and earth, which the Augures did quarter out with their crooked staffe at their looth-saying. It doth seldome signifie the heaven, & most commonly it doth signifie a Church, or Temple: in which sense as often as it is vsed, it is said *à templando*, from beholding; because when we bee in the Church, by lifting vp our hearts by a diuine contemplation, we do, as it were behold the great maiesty of God.

De Fano.

It is also called *Fanum à fando*, from speaking: not from the speaking of the Priest; but because the people do there speake vnto God, and God againe to the people.

De Delubro.

Thirdly, a Church was called *delubrum Syuebdachicus* because it was the principall part of the Church, namely the place where their Idoll God stood; and it was called *delubrum* from *Dens*: as we call the place, where the candle is put, *candelabrum* from *candela*. As concerning the outward forme of the Churches, some were vncouered, because they counted it an hainous matter to see those Gods confined vnder a roose, whose doing good consisted in being abroad; Other some covered, some round, some otherwise: but within they much resembled our great Churches. They had their *pronæus*, or Church-porch, whereabouts they were wont to haue the image of the beaſt *Sphinx*, which was so famous for his obscure riddles: so that by this image was signified, that the oracles of the Gods which were treated of within the Church were dark and mystical. They had certaine walkes on each side of the body of the Church, which they called *porticus*: & in these places it was lawfull for them to marchandise, make bargaines, or conferre of any worldly businesse; as likewise in the *basilica*, or bodie it selfe. But their quire called *Chorus*, was counted a more holy place, set apart onely for diuine service. The manner of hallowing it, was as followeth.

C

When

¹ Rosin anch.
lib. 3. c. 2.

² Fr. Sylvius
in orat. pro
Muræ.

¹ Rosin. Antiq.
l. 2. cap. 2.

* Rosin, ib.

When the place where the Temple should be built, had been appointed by the Augurs (which appointing, or determining the place they called *Effari templa*, and *iffere Fana*) then did the party, which formerly in time of neede vpon conditiou of helpe from the Gods had vowed a Temple, call together the *Aruspices*, which should direct him in what forme the temple should be built: which being knowne certaine ribbands, and fillets were drawne about the *area*, or plat of ground with flowers, and garlands strowed vnderneath, as it was probable to distinguish the limits of this ground now to be hallowed. Then certaine souldiers marched in with boughes in their hands, & after followed Vestal Nunnes leading young boyes, and maides in their hands, who sprinkled the place with holy water. After this followed the Prætor, some Pôitife going before, who after the *area* had beene purged by leading round about it a sow, a ramme, and a bull, sacrificed them, & their entrals being laid vpon a turfe, the Prætor offered vp prayers vnto the Gods, that they would blisse those holy places, which good mē intended to dedicate vnto them. This being done the Prætor touched certaine ropes, where with a great stoue being the first of the foundation was tyed together with that other chiefe Magistrates, Priests, and all sorts of people did helpe to pluck that stone, & let it down into its place, casting in wedges of gold, and silver, which had never beene purified, or tryed in the fire. These ceremonies being ended, the *Aruspex* pronounced with a loud voice, saying, *Nè temeretur opus saxo, aurôve in alind destinato*, i. let not this work be vnhalloved by converting this stone, or gold into any other vse.

De Aedificiis.

Fourthly, a Church was called *Aedes sacra*; an holy house, because of the sacrifices, prayers, and other holy exercises performed therein. Although (as *Gellius* hath long since observed) every holy house was not a Church. For the proper

proper note of distinction betweene a Church, and a religious house was this: that a Church beside that it was dedicated vnto some God, it was also hallowed by the Augures, without which hallowing the edifice was not called a Church, but a religious house: of which sort was the Vestall Nunnerie, and the common treasure, called *Aedes Saturni*. Wee may adde herevnto this word *Pulvinar*, which doth often signifie a church: the reason being taken from a custome amongst the Painims, who were wont in their churches to make certaine beds in the honour of their Gods, & those beds they called *Pulvinaria* from *pulvis*, because they were filled with dust or chaffe.

De Sacratio.

Sometimes *Sacrarium* signifieth a temple, though properly it signifieth a Sextry or Vestry, nempe *Sacrarium depositorum*.

De Lucis.

Necere vnto diuerse temples stood certaine groues dedicated to some of the Gods: they were called in Latine *Luci à non lucendo*, as diuerse say, by the figure *antiphrasis*. But others are of a contrary opinion, giving it that name, because of the exceeding light it had in the night time by reason of the sacrifices there burnt.

De Scrobiculo, Ara, & Altari.

The places vpon which they sacrificed either in their religious houses, or their groues, were of three sorts, which we in english tearme altars; but the Romans distinguished them by three severall names, *Scrobiculus*, *Ara*, and *Altare*.

De Scrobiculo.

Scrobiculus was a furrow, or pit containing an altar in it, into which they poured downe the blood of the beast slain, together with milke, hony, and wine, when they sacrificed vnto an infernall God.

Barthol. Latomus in Philippic. 4^{mo}.

Cic. pro Milone.
Franc. Syluius in orat. pro L. Murgu.

De Ara.

The second kind of altar was called *Ara*, either *abray-
dendo*, because their sacrifices were burned vpon it: or from
their imprecations vsed at that time, which in Greeke they
called *ἀράς*. It was made soure-square, not very high from
the ground, or as some say, close to the ground: and vpon
this they sacrificed vnto the terrestrial Gods, laying a turffe
of grasse on the altar: and this gaue *Virgil* occasion to call
them *Arai gramineas*, i. grasse altars.

Virg. Æn. 12.

De Altari.

The third sort was called *Altare*, either because it was
exalted, and lifted vp somewhat high from the ground; or
because he that sacrificed (by reason the altar was so high)
was constrained to lift vp his hands *in altum*, on high: and
Serv. in Bu- colic. 5. vpon this they sacrificed vnto their celestiall Gods only.

De Focu.

Focu is a generall name, signifying any of these altars,
so called *à fouendo*: because as *Servius* hath observed, that
is properly *focu*, *quicquid fouet ignem, siue ara sit, siue quic-
quid aliud, in quo ignis fouetur.*

Lib. I.





Lib. 1. Sect. 2.

The generall divisions of the Romane people.

CHAP. I.

De populo Romano, & eius primâ divisione.



Hus having premised a short treatise concerning the first situation of *Rome*, and the most remarkable parts thereof, I purpose to proceed to the Inhabitants, which antiquity hath stiled Citizens of *Rome*. And *Erasmus* rather describing a *Romane*, then defining him, saith, A *Romane* was grave in his conversation, severe in his judgement, constant in his purpose. Whence *Cicero* in his Epistles useth this phrase, *Mores Romano*, for *ex animo*. i. unfainedly. *Sigonius* rendring the definition of a *Romane* citizen, averreth that no man is *lego Optimus*. i. in full and compleate manner a citizen of *Rome*, but he which hath his habitation there, which is incorporated into a tribe, and which is made capeable of city preferments. By the first particke those which they tearme *municipes*; by the second those which they call *Inquilini*; & by the third those which they call *Liberitini* are in a manner disfranchised. But whereas *Sigonius* saith that they must have their habitation at *Rome*, he would not be so understood, as if a *Romane* citizen might not remoue his habitation

** Sig. de iur. Rom. l. 1. c. 1.*

b. Sigon. de
jure Rom. lib.
1. cap. 3.

tion to any other country : For saith he a *Romane* citizen may be as long absent from *Rome*, and the fields belonging to *Rome*, as he please, so that hee suffer himselfe to be seised and taxed in common with others toward the subsidy pay-ments, & denieth to be incorporate into another city. For *T. Pomponius* was a true citizen of *Rome*, though he dwelt at *Athens*. The *Romane* citizens, being by these priviledges as by a more proper & peculiar character distinguished from other people; and being planted in the city according to the appointment of *Romulus* their king, it seemed good vnto him to divide them into^b tribes, not taking the note of distinction onely from the divers places they then inhabited, as we read that *Servius* the sixth king of *Rome* did, making therefore fowre tribes *tribus*, locall, namely *Suburanam*, *Palatinam*, *Collinam*, and *Esquilinam* (which number of locall tribes in processe of time encreased vnto the number of 35:) but dividing them according to the severall natiōes, which at the first were *donati civitate*. i. made free denizens of *Rome*: (and they being in number three. 1. the *Sabines*, which were named *Tatienses*, from their king *Tatinus*: 2. the *Albanes*, called *Rhamnenses* from *Romulus*. 3. other nations promiscuously flocking out of other countries to the *Romane Asylum* placed in a groue called in Latin *Lucus*, which gave *Romulus* occasion to name the *Luceres*) he made in all three tribes *pagi*: or nationall. After that *Romulus* had thus devided the whole body of the *Romanes* into three tribes, he then subdivided each tribe into ten lesser numbers, which he called *curie*, or parishes: and then followed five other divisions in respect of their different degrees, and callings: of which in their severall order.

CHAP. 2.

De primâ divisione Romanorum in Senatores, sive Patres, Patricios, sive Patronos, & Plebeios, sive Clientes.

The

THe first division of the *Romans* in respect of their degree, and place was this. The elder, wealthier, & gravest sort of *Romans*, were called sometimes *Patricij*, either because of their age, and gravity; or because they had many children (for great priviledges were granted unto fathers of three children:) & sometimes *Patrons*, because they were as patrons, and fathers in helping and assisting the causes of the common people seeking to them. The younger, poorer, and simpler sort were called, as they had relation to the *Patricij*, *Plebeij*. i. the commons; as they had relation to their *Patrons*, they were named *Cientes*. i. Clients. Betweene whom there was such a mutuall, and reciprocal entercourse of loue, and duty; that as their *Patrons* were ready to protect their clyents; so the clyents were bound with all faithfulnessse to cleave vnto their *Patrons*: and that not only to credit them with their attendance in publike assemblies, but to disburse out of their owne purses towards the bestowing of their daughters, the paying of publike mulcts, the giving of largesses in suing for offices, &c. Neither was it lawfull for either of the to enforce, to depose, to giue their voices, or to side with adversaries one against another without the guilt of treason: for which crime of treason they were *dijis inferis devoti*. i. cursed to hell, and the law gaue liberty for any man to kil them. Out of the *Patricij* did *Romulus* elect 100. counsellors to assist him in determining matters concerning the comon-weale: to these did *Romulus* after adde another 100. and *Tarquinius Priscus*, as diverse authors testifie, made them a cōpleat 300. which they called *Patres*, or *Senatores*, & their sonnes *Patricij*. But in procelle of time the commons also were eligible into a *Senators* place. Some say that *Tarquinius Priscus* added the second hundred to the *Senate* out of the commons, who were called *Senatores minorū gentium*. i. *Senators* of the lower house. *Brutus* added the last 100. and leticus in Cic. made them 300: at what time they began to bee called *Pa-*

^a Lazius de
Repub. Rom.
lib. 12. cap. 3.

^d Martin. Pili.
b. 1. Ep. fam. 11

* Alex. Gen.
dier. l. 3. c. 19.

tres conscripti. And this accordeth with *Joannes Rosa* in his Epitome of the *Romane* history, in his chapter de *Regibus Romanis*: where he saith, that *Tarquinius Priscus* did double the number of the *Senators*: And likewise * *Alexander Neop.* saith, that *Brutus* made them a compleat 300.

CHAP. 3.

De secundâ divisione Romanorum in tres ordines, Senatorium, Equestrum, Popularem, seu Plebeium.

AFTER that through *Tarquinius Superbus* his tyranny, the very name of a king became odious to the *Romanes*, not only the present king was exiled, but the authority of a king ever afterward detested, and perpetually abrogated: so that the office, which was before monarchical, then was divided between two, called *Consuls*; neither were they admitted for any longer space then one yeere. At which time of change, the *Romanes* were divided into three orders, or ranges, 1. into *Senators*, of whom before, 2. into *Gentlemen*, called of the *Romanes* *ordo Equestris*: by which we doe not vnderstand those 300. *Ceteros*. i. Pensioners, called sometimes *Equites*, for that was a place of service, this a title and token of gentility. Who although they were inferiour to the chiefe Senate, yet they were of great esteeme among the *Romanes*: and although they might not weare the same robe as the *Senators* did, namely the *lasi-claviu*m, or garment bestudded with flowrishings of purple silke in manner of broad naile heads; † yet they might weare the *angusti-claviu*m, a garment differing from the former only in this, because the purple studdes, where with it was purfled were narrower, and not so large as the *lasi-claviu*m. They also at the time of their election received from the *Censors* an horse, called by them *equus publicus*, because of the yeerely allowance out of the common treasury to keepe him: it was also called *equus militaris*, because of their service in warre (‡ they having their horses kept

† *Rosin. an.*
clq. l. 1. c. 17.

‡ *Lipius de*
magnitud.

Rom. l. 1. dial.

‡

kept as well in peace, as warre.) They received also a gold ring,^h whereby they were distinguished from the Populace: for it was not lawfull for any to weare a gold-ring vnder the degree of a *Senator*, or a Gentleman. The estimation and value of a *Senators* estate vntill *Augustus* his time was *centingenta sestertia*, that is, 6000^l.^k Of a gentlemans estate it was *quadringenta sestertia*, that is, of our English money 3000^l. 3. The third order, or degree in the *Romane* common-wealth was *Populus*, the populacy, or commons, which should exercise trading, manure the ground, looke vnto the cattell, &c. Whereby the way we must vnderstand that the baser sort of the *Romans*, which did wander vp & downe, to and fro, not settling themselves to any vocation, were not contained within this division: for vnto them there was no name vouchsafed: but according to the Poet they were *sine nomine turba*; or as *Livy* saith, *ignota capita*, men of no account, and therefore of no name.

CHAP. 4.

De tertia diuisione in Nobiles, Novos, & Ignobiles.

THIS division was taken from the right or priuledge of having images; for they were accounted Noblemen, which had the images of their predecessors: Those which had their owne images only were called *Novi*. i. late-coyned nobles or vpstarts. *Salust* vseth this word often in the disgrace of *Tully* calling him *Novum & reptitum civem*, one that lately crept into the city. The third sort called *ignobiles* were those that had no images, neither of their predecessors, nor of themselves. Before we proceed, we must vnderstand, that it was not lawfull for who would to haue his owne image, if he so desired; for none might be thus priuledged, but those alone to whom the right of riding in a Curule chaire belonged; & to these the right of images was permitted, as wel for the credit of their house, as to incite others to the like atchieuements, when they would consider the diuerse ceremonies vsed vnto these images in

^h Alex. Gen. di cr. l. 2. c. 19.

ⁱ Suet. in August.

^k Plin. lib. 33. cap. 3.

an honourable remembrance of those whom they did represent. Whence it followeth, that *Ius nobilitatis* is nothing else but *Ius imaginis*; inasmuch that this word *Imago* doth oftentimes signifie Nobility: & the right of having Images with them, was the same as the right of having arms with vs.^m The superstitious conceit which the Romans had of these images was such, that vpon festiual daies and all occasions of ioy and mirth, those images should bee beautified and adorned with garlands and flowers; vpon occasions of griefe and mourning they would take from them all their ornaments, making them in a manner to partake of their mourning. Some they kept in their private closets, ⁿ others they exposed to the publike view of passengers, placing them in the gates of their houses together with the swords, targets, helmets, ship-beakes, and such other spoiles as formerly they had taken from their enemies; which it was not lawfull for any, though they bought the house, so much as to deface.

• Sig. de iur.
Rom. l. 2. c. 20.

^m Alexan. Ge-
neal. dier. lib.
3. cap. 24.

ⁿ Barthol. La-
tomus in Ver-
zin. 7.

CHAP. 5.

De quarta divisione Romanorum in Opti- mates, & Populares.

• Cic. pro
Sextio.

¶ Geor. Me-
rula in orat.
pro Ligario.

THIS fourth division of the Romans hath beene occasioned through the faction & siding of the Citizens. Those (according to the description of ^o Tully) were *Optimates*. i. the best citizens, who desired their actions might be liked, and approved by the better sort. Those *Populares*. i. popular, who through a desire of vaine-glorie, would not so much consider, what was most right, as what should be most pleasing vnto the populacy. So that here by this word Popular wee vnderstande not the commons, as formerly we did, ^p but be he Senator, Gentleman, or inferior, if he doe more desire that which shall bee applauded by the *maior* part, then that which shall be approved by the better part, him the Romanes called *Popular*. i. such a one, that preferreth the popular applause before the right.

CHAP.

CHAP. 6.

De quinta, & ultimâ divisione Romanorum, in Libertos, Libertinos, & Ingenuos: item de Manumissione.

THE difference of freedoms in the Citie of Rome hath given occasion of this division: For he, or shee that had served as an apprentice, and afterward was manumized, was named *Libertus*, or *Liberta*. The sonne whose father, and mother were once apprentices, was called *Libertinus*; but that sonne whose father and mother were both libertines, or both free-borne, & yea whose mother onely was free, was called *Ingenuus*, i. free-borne. But after *Appius Cæcilius* his Censorship, then began *Liberti*, & *Libertini* to signifie one, and the same degree of freedom: so that *Liberti*, and *Libertini* were taken for those which served for their freedom, and *Ingenui* were taken for those which were free-borne, whether their parents were *Liberti*, or *Libertini*. Here is occasion given vs to consider the maner of their freedom, and such ceremonies which belonged therevnto. The freedom of the citie of Rome was three waies obtained: First by birth, both or at least one of the parents being free, and such were called *cives originarij*. Secondly by gift, or cooptation, when the freedom was bestowed vpon any stranger, or nation, and they were termed *civitate donati*: and so wee read that *Cæsar* did take in whole nations into the freedom. Lastly by *manumission*, which was thus: when as the servant was presented by his master before the Consull, or Prætor, the master laying his hand vpon the servants head, vsed this forme of words, *Hunc liberum esse volo*, and with that turning his servant round, and giuing him a cusse on the eare, he did *emittere servum è manu*: The Prætor then laying a certaine rodde or wand called *Vindicta* vpon the servants head, replied in this manner, *Dico eum liberum esse more Quiritum*. The Lister or Seriant taking the wand did therewith strike the servant on the head, and with his hand hee

Justin. inst.
lib. 1. tit. de
Ingenuis, vid.
Franc. Sylviu
in Cæciliano
am. 4.

P. Ramus in
orat. pro C.
Rabirio.

stroke him on the face, and gaue him a push in the backe, and after this hee was registred for a free-man. More over the servant having his head shaven purposely at that time receaved a cap, as a token of libertie: whence *ad piteum vocare aliquem*, is, to set one at liberty, as likewise *vindicta liberare*. Here we may also consider the two severall kinds of servants: the first were called *servi*, and they could never attaine to any freedome without the consent of their Master: for those that were thus *servi* were commonly captiues, either bestowed as a reward vpon this, or that souldier, or bought *sub coronâ*, or of other citizens, which had gotten them one of those two former waies. The second were called properly *nexi & additi*, because though they were free, yet by reason of their debt, *addicebantur*, that is, they were delivered vp vnto their creditors by the Praetor to worke out the debt, so that after the payment thereof either by mony or worke, they did recover their liberty: whence they were said *nomina sua liberare*, when they paid the debt: as on the contrary they were saide, *nomina facere*, when they came in debt. And their creditors, when they sued for the payment were said *nomina exigere*: *Nomen* in these and the like places signifying as much as *Debitum* a debt, because the creditors did vse to write downe their debtors names.

f Dion. Hali-
carn. lib. 4.

r Sigon. de
judicijs l. 1.
cap. 31.

u Michael
Toxita in o-
rat. pro P.
Quintio.

x Fr. Silvius
in epist. viro-
rum illust. l. 1.
epist. 6.

Lib. 2.



Lib. 2. Sect. 1.

The generall divisions of the Romane Gods.

CHAP. I.

De dijs.



Hough *Satan* had much blinded the hearts of men in old time, yet was not the darknesse of their vnderstanding so great, but that they did easily perceiue, and therefore willingly acknowledge, that there was some supream governour, some first mover, as *Aristot.* saith: some first originall of all goodnesse, as *Plato* teacheth. So that if any made this question, whether there was a God, or no? he should be vrged to confesse the truth of that rather *argumento hacillino, quam Aristotelico*, rather with a good cudgell, then with any long dispute. But as they were most certaine, that there was a God, so were they againe very blinde in discerning the true Gods: and hence hath bin invented such a tedious catalogue of Gods, that as *Varro* averreth, their number hath exceeded thirty thousand, and proved almost numberlesse. Wherefore I shall omit to make any distinct treatise of the Gods, intending *obiter*, and by the way to speake of them, which either had priests, or sacrifices instituted for them. Only I purpose to shew what is vnderstood by those generall distinctions of the Gods, which diverse authors haue vsed. Truly lib. 2. *de legibus* reduceth all ynto three heads,

D: 3

Gods

Gods celestial, which Varro calleth select, and others haue styled Gods *maiorum gentium* .i. of the greater nations, because their power was greater then the others. ^a *Alexander Neapolitanus* saith, that twelue of these were the *Primates*, which *Aeneas* did take forth with him at the destruction of *Troy*. *Ovid* calleth them *Deos nobiles*, noble Gods: others call the *Deos consentes, quasi consentientes*, because *Iupiter* would doe nothing without the consent of all. *Ennius* hath delivered them in this distich,

*Iuno, Vesta, Minerva, Ceres, Diana, Venus, Mars,
Mercurius, Iouis, Neptunus, Vulcanus, Apollo.*

The second sort of Gods were called *Semides*. i. Demigods: also *Indigites*. i. Gods adopted, or canonized; men deified. For as the select Gods had possession of heaven by their owne right; so these Gods canonized had it no otherwise then by right of donation, being therefore translated into heaven, because they lived as Gods vpon earth: but because their merit was inferior, and could not parallel the deserts of the Gods select, therefore were they called Gods of inferiour note. ^c *Servius* would haue these called *Diui*; observing this difference betweene *Dij* & *Diui*, that *Dij* should signifie those which had bin Gods perpetually, but *Diui* should signifie men made Gods, though commonly they are vsed one for another. Whence they called all their Emperours *Diui*, because for their deserts they thought them worthy to be Gods. Now the ^d manner how a man became deified was this: The party to be canonized being dead, a pile of wood was made in form of a great tent, or tabernacle, with three other lesser tabernacles one vpon top of another, the lower-most hauing in it dry combustible matter, but in the out-side adorned richly with gold, Ivory, & painted tables: vpon the top of which was placed an eagle made of some light matter, as paper, or thin wood. Hither the dead corps was to be caryed with great solemnities; the Senate, the gentlemen, and all the chiefe magistrats going before, with hymnes and songs, and al kinde of honor, which

^a Alex. Genial. diert. lib. 6. cap. 6.

^b Servius in lib. Georgic.

^c In *Æneid*. l. 5.

^d *Rolin. Antiqu.* lib. 3. cap. 18.

which was to be performed even to the Gods themselves. He being in this manner brought, and laide within the second Tabernacle, the fire was kindled, by reason of the smoake and vapor whereof the Eagle was carryed vp into the aire, and, as the *Romans* thought, it did transport the soule of the dead body into heaven, in so much that ever after he was canonized amongst the Gods, and worshipped as a God. And because they were thus turned into Gods, some have called them *Deos animales*, *quoniam anima humana verteretur in Deos*. The third sort were those moral vertues, by which as by a ladder men clymed into heaven: and therefore did men stile them Gods, because by their meanes men became deified. Late writers perceaving that all the number of the Gods could not bee reduced vnto these three heads, haue added a fourth sort, which they call *Semones*, *quasi semi-homines*, because ancient writers, as *Rosinus* hath obserued, colled men *hemones*, not *homines*. In which point I shall willingly condescend vnto him; but I shall leaue to the iudgement of others, to determine how iustly he hath restrained the Gods *minorum gentium*, of the lesser nations, only vnto this last *classis*: whereas my opinion is, that the demigods, the morall vertues which haue beene stiled Gods, and these *Semones*, may all of them bee called Gods of the lesser nations, standing in opposition with the Gods select, which are called Gods of the greater nations. But that we may vnderstand what is meant by these *Semones*, we must remember, that by them are signified vnto vs not those Gods, which doe appertaine to man himselfe, but to the necessities of mans living, his victuals, his cloathing, and the like: not to the being of a man, but to the well being of him, of which sort is *Salus*, *Fortuna*, with others. We read likewise of other names giuen in common to diuerse Gods, not as opposite members of a diuision, but as notes of distinction drawne from the diuersitie of helpe, which they severally did afford vnto man. In this respect some were called *dij Patrij*, or *tutelares*, such as had

^o *Serv. in Aen.*
lib. 3.

^o *Rosin. antiq.* l. 2. c. 19.

undertaken the protection of any citie, or towne : which opinion hath sometimes beene entertained by our English-men, and thence haue risen these, and the like speeches *S. George* for England, *S. Denys* for France, *S. Patrick* for Ireland, &c. And the Romans being fully perswaded of the truth thereof, whensoever they went about to beseege any towne, by certaine enchantments, or spels they would first call out these Tutelar Gods ; because they deemed it a matter impossible to captivate the citie, as long as these Gods were within ; or at least they thought it a crime vnxpiable to take the Gods as prisoners. And least other nations might vse the same meanes in beseeging Rome, therefore, & as diuerse authors haue thought, the true name of the Romane citie was never knowne, least thereby the name of their Tutelar God might bee descryed. Others namely the *Tyrians* haue tied fast their God *Hercules* with a golden chaine, thereby the more to secure themselues of his residence among them. ^b Others haue beene called *Dij communes*, namely *Mars*, *Bellona*, and *Victoria*, because in time of war they are not bound to either side : but sometimes they helpe one side, and sometimes the other. And as they supposed some Gods to haue the protection of whole countries, so did they beleue that others had the charge of particular men ; and that so soone as any man was borne two spirits did presently accompany him invisibly, the one tearmed the *bonus Genius*, or good angell, perswading him to that which should be good : the other called the *malus Genius*, or evill angell, tempting him to that which shoulde be hurtfull : insomuch that they thought all the actions of man to be guided by these angels called *Genij*, so that if any misfortune befell a man, they would say that the matter was enterprised *Dijis iratis*. i. our *Genius* being displeased with vs. *Virgil* calleth these bad Angels *Manes*, as it appeareth by that, *Quisq, suos patimur manes*, i. Every man hath his evill Angell, i. some misfortune. They are therefore called *Genij*, because they haue tuition of vs

^a *Sylvius* in
epist. virorum
illustrium.

^b *Alex. Gen.*
alier l. 6. c. 4.

so soone, as we are *Geniti*.i.borne, although every place had also his *genius*, as hereafter shall appeare. This opinion was the more confirmed by a vision which appeared vnto *Brutus* in *Asia* neere vnto the time of his death: for *Brutus*, watching vpon a certaine night in his pavillion, the candle being neere spent, saw a fierce tragicall person appeare vnto him, somewhat bigger then a man, and hee presently being of an vndaunted spirit, demaunded whether he were a God, or a man? To whom the vision answered, *Brutus*, I am thy euill *Genius*, which haunterh thee, thou shalt see me at the citie *Philippi* againe. And the same vision appeared vnto him, as he was fighting at *Philippi*: which was the last fight that ever he fought. And because that *Iuno* was wont to be invocated in time of child-birth, therefore many haue thought that every man hath not his two angels, but one angell, and *Iuno* to obserue him: This *Genius*, as often as he is vnderstood for the good or euill angell which hath charge of a mans body, is painted in forme of a man, as we read he did appeare to *Brutus*; though some time he is painted as a young boy, sometime as an olde decrepite man, ^{but alwaies with a crowne or plane-tree,} which therefore was called *genialis arbor*. In the right hand hee held a platter over an altar garnished with flowers. In the left he held a scourge hanging downe. The sacrifice that was performed vnto the *Genius* was wine, and flowers: wherevpon (as if by wine, and fragrant odors were signified all kind of pleasures) certaine proverbial speeches haue beene occasioned: as when we see a man given much to his pleasure, and dainy feeding, wee say hee doth *indulgere Genio* i. pamper or make much of his *Genius*: on the contrary he that is abstemious, & debarreth himselfe of his pleasure is said *defraudare Genium*, to defraud his *Genius*: & *Genialis* also signifieth iocund, or pleasant. ^{It was also the custome after meals to haue a cuppe passe round the table,} much like vnto our *poculum ebrietatis*, and it was called *poculum boni genij*. But the reason, why they would not sa-

^{Plutarch, in Bruto.}

<sup>Rosin. An-
tig. l. 2. cap. 24.</sup>

<sup>Vid. Eras-
m. Adg.</sup>

sacrifice vnto their *Genius* by killing some host, as they did to their other Gods, was, because they iudged it vnfit to deprive any creature of his life vpon that day, when they first begā their life. (For this sacrifice was performed yearly by every one vpon his birth day.) The other *Genius*, which is supposed to haue chiefe power over high waies, and places, being therefore called *Genius loci*, was pictured in the forme of a snake, in which forme *Virgil* saith him to haue appeared to *Aeneas*, when hee performed the funerall rites due vnto his father *Anchises*, *Aeneid. lib. 3.*

--- *Adiū cum lubricus anguis ab imis.*

Septem ingens gyros, septena volumina traxit.

And *Persius*,

Pinge duos angues, pueri sacer est locus, extra

Mente, i. duos genios.

^m Franc. Syl-
vius in orat.
pro Sext. Ros-
cio Amer.

Another sort of Gods was supposed to haue the keeping of mens houses:^m which they painted in forme of a dogge: because those to whom the charge of houses is committed ought to resemble dogges, that is, to seeme fierce, and angry towards strangers, but gentle, and kinde to those of the household. They were named *Lares*, and because of the charge they had over mens houses, this word *Lar* is sundry times taken for an house it selfe, as *parvo sub Lare, Horat.* in a little cottage, *Homo incerti Laris.* i. a man that hath no house to dwell in. *Sen. in Med.* And the custome in sacrificing vnto them, was to eate vp all whatsoever was left of the offering. For they thought it an heynous matter to send any part of that sacrifice abroad either among their friends, or the poore: and therevpon when we see a glutton leaue nothing in the platter, not so much as the curtesymorsell, we say, *Lari sacrificat.* i. he sacrificeth to his household God.



Lib. 2. Sect. 2.

Of the Romane Priests with some particular Gods.



Faunus the ancientest of all the kings in *Italy* was the first, that brought any forme of religion into *Italy*. He consecrated groues, gaue names vnto cities, erected Temples, ordained sacrifices &c. frō whom the churches, as some say, were named *Fana*. But after

Faunus, *Euander* comming out of *Arcadia*, and afterward being king of *Latium*, he instituted, and appointed many other ceremonies, which before were vnkowne to the Latins. After him *Aeneas* comming from *Troy*, taught many of the *Troian* ceremonies: by whose examples *Romulus*, and *Numa* were incited to adde many other kindes of holy rites, and at length reduced their whole religion into a certayne order. My intent therefore is, to speake first of the God, in whose honour these holy rites were performed and then to descend vnto the Priests, which were to performe them, shewing withall the ceremonies they vsed in the performance.

CHAP. I.

De *Pano*, *Lycas*, *sive Iuno*: de *Lupercis*, & *Lupercalibus*.

P*AN* was supposed to bee the God of the shep-heards, and is thus described: he is pictured naked, having hornes in likenesse of the sunne-beames, a long beard, his face red like the cleere aire, in his breast the starre *Nebulis*, the neather part of his body rough, his feete like a

¶ Fencstella
de sacerdot. c. 1.

¶ Fencstella. lib.

¶ Pomponius
Latus de Sa-
cerdot. cap. de
Luper.

¶ Plutauch in
Romulo.

¶ Plutarchin
Romulo.

goate: in one hand he holdeth a pipe, in the other a shep-
hards crooke, and alwaies is imagined to laugh. ^b He was
worshipped first in *Arcadia*, and there called the God *Pan*
Lycæus; but afterward he was had in great esteeme at *Rome*
^c and in the honour of him certaine sacrifices, & games cal-
led *Lupercalia* were solemnized by the *Romanes*. ^d There
he tooke the name *Inuus*, or as some say *Iuinus*. Concerning
the time, when these sacrifices were to be performed; it was
vpon the vnfortunate daies of the month *Februarius*, which
hath his name *à februario*, from purging: whence the feast
or game is as a purification; though the Latin word signi-
fieth as much as a feast of wolues, in a memoriall that *Ro-*
mulus, and *Remus* were nursed by a shee-woulfe. This see-
meth very probable, because the Priests, which were called
Luperci began their course at the foote of the mount *Palati-*
ne, called by the *Romanes* *Lupercalis*, the place, where the
woulfe nursed ^e *Romulus*. The ceremonies were these: The
hoast (being two goates) was to be slaine; and two noble
mens sonnes were to be present, whose foreheads being
blounded with the kniues of them that had slaine the goats,
by & by were to be dryed vp with wooll dipped in milke.
Then the young boyes must laugh immediatly after their
foreheads were dry. That done they cut the goats skins, &
made thongs of them; which they tooke in their hands, and
ran with them all about the city starke-naked (saving they
had a cloath before their privities) and so they strook with
those thongs all they met in the way. The young wiues did
never shun them at all, but were well contented to be stri-
kē with them; beleeuing it helped them to be with childe,
and also to be easily delivered. Moreover it is to be noted,
that a dogge was sacrificed at this time, because there is a
naturall antipathy, or contrariety of nature, betweene the
dogge and the woulfe: whereby *Romulus* thought to testi-
fie his gratefulnesse vnto the woulfe for her paines in nour-
ishing him. The reason why the priests ranne vp & downe
the streets naked, was, because that *Pan* the God of this
sa-

sacrifice was painted naked. As the feast, so also the place from whence they came, and likewise the Priests had their names à *Lupa*, which signifieth a woulfe. Some authors haue obserued three sorts of the *Luperci*, some called *Fabiani*, some *Quintiliani*, from *Fabius*; and *Quintilius* their governours: the third sort, which *Rosinus* affirmeth to haue beene added in the honor of *Iulius Caesar*, I cannot finde according to his quotation in *Suetonius*. But thus much *Suetonius* saith in^h another place, namely that *Augustus Caesar* when he was chiefe Pontific did restore these games againe being formerly abolished.

^h Rosin. antiq. lib. 3. c. 2.

^h Sueton. in August.

CHAP. 2.

De Cere, & sacris eius.

Ceres otherwise called *Eleusina* was honoured first among the *Grecians*, afterward among the *Romanes*, as a Goddess, which first taught men the skill of husbandry.

*Prima Ceres ferro mortales vertere terram
Instituit.* Virg. Georg.

Whence shee is sometimes *metonymicā* taken for corne as *Credenda Ceres arvis*, *Ovid*; It is seed time. Shee is called *Ceres*, ⁱ *quasi Geres*, à *gerendis frugibus*, from bearing fruits: because, as some say, by *Ceres* is vnderstood sometime the earth it selfe: whence also *Demeter* being the Greeke name of *Ceres* is said *quasi γῆ μήτηρ*. i. the earth, which is the common mother of vs all.^k Shee is painted in the habit of a matron wearing a garland of corne, sometime sorrowful with a lanpe in her hand, as if shee were seeking out her daughter *Proserpina* carried by *Pluto* into hell; & sometime with a handfull of corne, or poppy-seed. Vpon the fift of the *Kalends* of *April* the *Romanes* were wont to performe sacrifices vnto her, which they called *sacra Græca*. i. the *Grecian* sacrifices: as likewise they tearmed the chiefe womā which did performe them, *sacerdotem Græcam*. i. the *Greek* ministresse, because they were translated into *Rome* out of *Greece*

ⁱ Cic. lib. 3. de nar. deor.

^k Rosin antiq. lib. 2. c. 11.

1 Plautus in
Aulularia.

by *Evander*. The time of their solemnities was at the dawning of the day; and the Priests, which were only women ran vp and downe with lamps in their hands in manner of quid women; into whose temple none that was guilty of any fault committed might enter: whose mysteries were to be buried in silence, and by no meanes to bee blabbed abroad. And as it is to be supposed, that was the reason why all wine was forbade in this sacrifice. So that hence ¹we say *Cereri sacrificat*, he sacrifices to *Ceres*, when he maketh a feast without wine.

CHAP. 3.

De Potitijs, & Pimarijs, Herculis sacerdotibus.

m Serv. Æn.
lib. 8.

Hercules had an altar erected in the memorial of him neere vnto *Tiber* by *Evander*, vpon occasion of the heards-men complaint brought vnto *Evander* of him, whom they accused to haue slaine their chiefe heards-man *Cacus*, the history being m thus, *Hercules* after his conquest over *Geryon* brought away with him certaine goodly Oxen, and as well to rest himselfe, as to pasture his oxen, he laid him downe to sleepe in a Greene field neere the river *Tiber*. In the meane while a certaine heards-man called *Cacus* happened to come that way, & perceiving *Hercules* to be in a sound sleepe, he stole away two of his oxen, which he hid in a caue, or hollow rocke, pulling them in by the taile backward, thinking that *Hercules* whē he should looke his oxen, and see the print of the footsteps, would easily beleue, that his oxen had rather gone out from that rocke, then into it, as indeed he did for a time beleue: but afterward by the bellowing of the oxen within, answering their fellowes without, *Hercules* entred the rocke, and finding the theefe *Cacus* there with his oxen, hee killed him, by reason of which murder hee was brought before *Evander*, and after a while knowne to be the *Hercules*, of whom the propheteesse *Carmenta* had foretold vnto *Evander*; that he should be a God. Wherevpon *Evander* presently saluted

red him by the name of *Hercules* the sonne of *Jupiter*, and in honour of him caused an altar to bee built there in that place: vpon which yeerely was to be offered vpon an heifer which had never borne yoke; and that this sacrifice might be had in the more esteeme, two noble men well stroken in yeares, and of good repute among the *Romans*, one of them being called *Potitius*, and the other *Pinaris* were appointed as the Priests to performe these sacrifices; from whom ever after *Hercules* his Priests were called *Potitij*, and *Pinarij*. Where by the way we must obserue, that *Pinaris* was not the sur-name of this old noble-man, but a name added vnto him, intimating his, and his successors punishment for not comming soone enough according to the time appointed by *Hercules*. For, as ^o diverse writers testify, the entrals of the hoast were almost eaten vp by the family of *Potitius*, before *Pinaris*, & his familie came; and in punishment of their negligence *Hercules* enioyned the *Pinarij* never after to eate of the entrals, giving them this name *Pinarij* at that time, from the greeke word *πινος*, signifying hunger.

CHAP. 4.

De Fratibus arualibus.

THis college or company of Romane Priests may be englished the *Arvall* fraternity: the number of them being twelue, eleven of them naturall brothers, sons to *Acca Laurentia Romulus* his foster mother; ^o for which respect *Romulus* yeelded him selfe hir adopted sonne, instituting this order in the honour of the Gods, that they being therewith appeased might the willinge cause the earth to fructifie, and added him selfe to the former eleven as the twelfth priest or brother to helpe in the performance of this publike sacrifice. Moreover beside the performance of this sacrifice, these twelue were appointed *arbitrarij*, or judges to decide controversies concerning land-markes, and bounds of the field, fro whence they took their name

^o Feneft. de
Sacerd. c. 3.

frat.

P Plin. lib. 17.
cap. 2.

fratres Arvales. Their sacerdotal ornaments was a garland of wheat bound vp with a white riband, this being, as P Plin. writeth, the first crowne, or garland amongst the Romanes.

CHAP. 5.

De sexaginta Curionibus.

¶ Dion. Hali-
car. lib. 2.

¶ Dion. Hali-
car. lib. 2.

After that *Romulus* had divided the whole body of the Romanes into three tribes, or wards, and subdivided those three wards into thirtie parishes, called *Curie*, he ordained out of each *Curia* two parish Priests or Curates called *Curiones*, or *Flamines curiales*; which were publicly to offer vp sacrifice in the behalfe of the people. Neither was every one equally capable of this honour of Priesthood; but he was to be at the least fiftie yeares olde, of a life vnspotted, and a body vnmaimed. And over all these, there was one which had chiefe rule, & therefore was called *Curio Maximus*, the Bishop, or chiefe prelate: and these sacrifices were called *Curionia*. Their sacrifice being ended each parish had a feast in a common hall built for that purpose: it was called *Damus Curialis*, & sometimes *Curia*.

CHAP. 6.

De Auguribus, & eorum Collegio.

¶ Bened. Pe-
rer. lib. 2. de
Maga.

Amongst other kinds of fore-tellers we read of three principally vsed in former time, namely, *Aruspices*, *Auspices*, and *Augures*: all which wee english South sayers, though the Latine word doe import a main difference worth our observation. The *Aruspices* did diuine, or fore-tell things to come by beholding the entrails of beasts sacrificed: whence they had their name; *ab aris inspiciendo*, from beholding the altars. The *Auspices* did fore-tell things by beholding the flight of birds, so that *Auspices* are laie *quasi avispices*, *ab avibus inspiciendo*. The *Augures* did diuine from hearing the chatting or the crowing

of the birds: whence they are called *Augures ab avium ga-*
rru, from the chirping and chattering of birds. These two
 kinds of soothsaying have occasioned these, & the like
 phrases, *bonu avibus*, or *auspiciis*, with good lucke, *malis*
avibus, i. with ill lucke: and because they would beginne
 nothing *inauspiciis*, i. without the counsell of the *An-*
gures, hence *Auspiciari rem* hath beene translated, to be-
 ginne a matter. The colledge of the *Augures* at Rome was
 first appointed by *Romulus* himselfe being very expert in
 soothsaying, there being at the first but three, namely one
 of each tribe: (The word *Augur* being not taken in his
 owne proper sense, and significatio above-mentioned, but
 generally by the trope *Synecdoche*, signifying all kinds,
 and sorts of divining whatsoever, whether it were by ob-
 serving the entrails of beasts, the flying, screeching, & chat-
 ting of birds, or thundring or lightning in the heaven, or
 marking the rebounding of crummes cast vnto birdes,
 which kind of divining was called *Tripudium*.) * *Servius*
Tullius the sixth Romane king, when he divided Rome into
 foure locall tribes, i. Regions, or quarters, then did he adde
 the fourth *Augur*, all of them being elected out of the *Pa-*
tricie, or the nobilitie of Rome, & in processe of time *Quin-*
tus, and *Cneius Ogulnius* being chosen *Tribuni plebis*, i.
 protectors of the commons, obtained that five other *An-*
gures should be chose out of the commonaltie, and added
 vnto the former foure: at which time the Senate decreed
 that the college of *Augures* should never exceed the num-
 ber of nine: * Notwithstanding *Sylla* being *Dictator* added
 six more; in so much that their college encreased to the nu-
 ber of fifteen: the eldest of which was called * *Magister*
Collegij, the master, or *Rector* of the colledge. The *Augures*
 excelled other priests in ^b this respect, because if any of
 them had beene convicted of any heynous crime, hee did
 not loose his office, neither was any other subrogated into
 his room, although the Romane custome was, that if any
 other priest had committed any notorious offence hee

* Fr. Sylvius
in orat. pro
Cluentio.

* Pomp. Læ-
tus cap. de
Augur.

* Rosin. Ant.
lib. 3. cap. 8.

* Rosin. ib.

* Rosin. ib.

* Alex. Gen.
dier. lib. 4. c. 19.

* Alex. ib.

¶ Pomp. Lx-
tus, c. de Aug.

should presently be discharged of his office, and another chosen in his place. The manner how the *Augur* did obserue was this: He sate vpon a castle, or a towre, the ayre being cleere, and faire without clouds, or raine, holding a crooked staffe, (called in Latine *Lituus*) in his hand, where he sitting in his soothsaying robe, called *Lana*, & in Greek *χλαῖνα*, ὅθεν χλαῖνιον, à calefaciendo, from hea'ing, because it was well lined within, being garded in the outside with purple and crimson gards) hauing his head covered, and his face turned toward the east, so that his backe was west-ward, his right side southward, & his left northward. Being thus placed he quattered out with his crooked staffe the heaven into certaine *templa*. i. Regions, or places, observing in what region the birds did appeare: Then killing his sacrifice, and offering vp certaine prayers called *Effata*, he proceeded in manner as followeth. But first suppose we for our better vnderstanding hereof, that now the *Augurs* were to resolute the people, whether the Gods would assent that *Numa Pompilius* should be King. The *Augur* hauing done as aboue is shewne, his *Lituus* being in his left hand, he reached forth his right hand putting it vpon *Numa Pompilius* his head, vsing this forme of words, *Iupiter pater si fas sit Numā Pompiliū, cuius ego caput tenes, regem Romae esse, uti nobis signa certa, ac clara sint inter eos fines, quos feci*. i. If it be lawfull for this *Numa Pompilius*, whose head I hold to be king of *Rome*, shew some manifest tokens within these regions, or quarters, which I haue described. Then if he obserued lucky signes, and tokens, he presently pronouced *Numa Pompilius* king of *Rome*: if he perceiued vnlucky tokens, then did he *obnunciare*, or gaine say, and shew that the matter proposed was not pleasing to the Gods. Where by the way wee must note, that nothing was confirmed by the *Augurs* without the appearance of two lucky tokens one after another; neither was any thing gaine said by the appearance of one only euill token. The distinctions of the soothsayings haue beene taken, some from the events, and thence

thence are they called *præfæta*, lucky, or *adversa*, unlucky. Some from the manner of their appearing, ^d and that was ^d *Serv. Ænei.* either wished being called therefore *impetrativa*; or unwished called *oblativa*. Some from the diversity of things which offered themselves in time of divining, and so there were five distinct sorts: The first was by the observing of lightning, and thunder from heaven; the second from the flying, and chattering of birds; the third from bread cast to pullets, or little chicken; the fourth from foure footed beasts, which either should crosse the way, or appeare in some vna accustomed place; the fifth from those casualties, whereby the Gods doe make their anger appeare vnto vs. Of this sort are those voices, which we heare we know not whence; (as *Cadmus* heard whē he overcame the serpent) ^d *Vox subit* the falling of salt towards vs at the table, the shedding of ^d *caudita est, neq;* wine vpon our cloathes. From which casualties, & the like ^d *erat cognoscere* the *Augurs* would pronounce either good fortune, or bad ^d *promissū vnde,* to ensue. And these tokens were therefore called *Dira*, be- ^d *sed auditus est.* cause thereby *De ira nobis innotescit*, the Gods anger is ^d *Ovid. Met.* made knowne vnto vs. Now the things that in divining ^d *lib. 3. fab. 1.* time appeared on the left hand were commonly tokens of good lucke, because the givers right hand in bestowing a benefit is opposite to the receivers left hand. Whence ^d *Serv. Ænei.* *sinistrū* though in humane affaires it signifieth as much as vn- ^d *lib. 2.* luckie, yet in those holy rites of divining *sinistrum* is taken in a contrary sense, as *Avis sinistra*, good lucke, *In tonnis la- vum*, it hath thundred luckily, we shall haue good successer and it is said a *sinendo*, because the Gods thereby doe suffer vs to proceede in our purposed proiects. And therefore *Tully* saith, *lib. 3. de divinatione*, *A sinistra cornice ratum, & firmum augurium fieri*: and in the law of the 12. tables it is said, *Ave sinistra populi magister esto.*

CHAP. 7.

De Tripudijs, & pullarijs.

F. 2

This

¹ Cic. de divi-
nar. lib. 1.

² Hubert. in
lib. 6. Ep. fam.
Cic.

³ Alex. Gen.
dier. l. 1. c. 39.

⁴ Alex. ib.

THis kinde of coniecting is called *auspicium sortium*, & quoniam necesse erat. offa obiecta rudere frustumve pulli ore, cum pasceretur. The word *Tripudium* is vsed by a syncopation for *terripudium*, which is as much as *terripavium*, i. a dancing or rebounding of any thing vpon the ground: for *pavire* is the same with *serere*. Others say *Tripudium quasi tritis padum*. It is here taken for a divining; or coniecting of good or evill to come by the rebounding of crums cast to chickē in a coop or pen: whence the *Augur* from these pullers or chicken was called *Pullarius*. The manner in observing was this. As often as by this kinde of coniecting they desired to knowe the Gods pleasure concerning the enterprizing of any matter, early in the morning those that were skilfull in this kinde of observation, repaired vnto the place where the chickē were kept, where silence being commanded, and the coop opened, they cast crums of bread to the chicken. Now if the chicken either came slowly, or not at all vnto the bread, or if they walked vp and downe by it not touching it, then was it a token that the matter to be enterprized was displeasing vnto the Gods: but if cōtrarily the chicken did hastily leape out of the coop & eat so greedily of the crums, that some shoulde fall out of their mouthes againe, then the *pullarius*, that is, the *Augur* pronounced that it was wel pleasing to the Gods, and encouraged the enterprizing of what they had intended cheerefully: and this was called *Tripudium solistimum*. This kinde of coniecting may seeme to have its originall from the *Lycians*, who as often as they desired to foreknow the successe of any enterprise, they went vnto a fountaine dedicated to *Apollo*, into which they cast in bailes for the fish: now if the fishes did eatethem, it did betide good lucke; if otherwise they neglected the bailes, then it did betoken some evill event.

CHAP. 8.

De Auspiciis, Auspiciis, & Extispicio.

This

astrighted at this sudden, and strange vision, began with a lowd crie to lift vp their voices vpon occasion whereof many other people flocked thither, where hee gaue manie good instructions concerning this kinde of soothsaying, which were presently recorded in bookes, and practised afterward by the *Hetrusci*.

CHAP. 9.

De Flaminibus.

• Rosin. antiqu. lib. 3. c. 15.
 Rex Anius,
 rex idem hominum Phœbiq; sacerdos, Virgil.
 Æneid. lib. 3.

THE mitre or head-ornament which these Priests did weare, was called in old time *Flamma*; whence the Priests tooke their name *Flamines*. The custome amongst the *Grecians*, as likewise afterwards among the *Romanes* was, that the kings should as well performe ceremonies, & holy rites of religion, as civil busineses. But *Numa Pōpilius* perceiuing that forraigne wars did often times occasion the kings absence, insomuch that those religious ceremonies which he himselfe personally should performe were of necessitie sometimes neglected, herevpō he ordained out of the *Patricij* three priests to perfourme that diuine service vnto *Iupiter*, & *Mars*, and *Romulus*, which hee himselfe otherwise ought to haue performed, calling the first *Flamen Dialis*, the other *Flamen Martialis*, and the last *Flamen Quirinalis*, from *Romulus*, which was often called *Quirinus*. In proceesse of time twelue others chosen from the commons were added vnto these, but with this note of distinction, that the three first were had in greater esteem, & were called *Flamines maiores*, high priests; the other of lesse note called *Flamines minores*, inferior priests. The chiefe of al was the *Flamē Dialis*, *Iupiters* high priest, & whereas every one did weare a certain bonnet in forme of a mitre, which sometimes was colled *Pileum*, sometime by the figure *Synecdoche Apex*, (whereas *Apex* doth properly signifie only the top of the bonnet) none might weare *Albo-galerum*, i. a white mitre, but only *Iupiters* priest, and that was to be made of a white sheep-skin, after the sheep had been sacrificed

• Alex. Gen.
 hier. 1. 6. c. 12.

crificed. Whatsoever malefactor could escape vnto this Priest, he should nor be punished that day. None was eligible into this office, but he that was married: neither was it lawfull for him to marry twice, but if his wife died, *Flaminio abibat*. i. hee resigned his sacerdotall office. To him was permitted a rich robe of state, & a curule-chaire: none might fetch fire out of his house, vnlesse it were to performe some sacrifice therewith. None might barbe or pole him, but a free-man, and that with a-brasen scissers. Many other ceremonies there were which concerned this *Flamen*, as likewise time added many other *Flamines*, namely [¶] every God one, yea sometime those threescore parish-priests, which formerly were called *Curiones*, were called *Flamines Curiales*; and diuerse Emperours after their death had also their *Flamines*.[¶] Moreover we must note that those priests wives were called *Flaminiae*; their ministers (for they were wont, whē they went to sacrifice to take a boy or a maide with thē) *Flaminij*, or *Flaminae*: And the Chiefe *Flamen*s dwelling house was called *aedes Flaminiae*, or *Flaminia*. But as it seemeth probable *Numa Pompilius*, and so the other kings succeeding him did still reserue their right & authority in holy matters so farre, that they would instruct other inferior priests, yea & personally performe some special sacrifices thēselues; wherevpon after that the kings authoritie was abrogated amongst thē, thē that these sacrifices might be continued, they chose a certaine Priest, which they preferred before the *Flamen Dialis*, but iudged him inferiour to the *Pontifex maximus*, or Arch-Pontific, and him they called, *Rex sacrificulus*, and *Rex sacrorum*, the King priest. To him once every yeare the Vestal Nunnes repaired, and vsed this forme of words, *Vigilasne Rex? Vigila.* King art thou awake/awake. For vnto him it did belong to bid holy-daies, and to provide al things necessarie for publike sacrifices. He was to instruct those that sought vnto him, the causes of the holy daies, and to tell them what was lawfull or vnlawfull every month, and vpon the fifth of the Ides of

¶ *Servius Aen.*
lib. 1.

¶ *Fenest. de*
sacerd. cap. 5.

¶ *Alex. Gen.*
dier. l. 6. c. 12.

¶ *Serv. Aenid*
10.

Januarie he sacrificed a Ramme to *Ianus*. He was likewise wont to offer vp a sacrifice in the *comitium* or great hall of iustice, which being finished, hee ranne as fast as hee could out of the market place without delay. His wife was called *Regina sacrorum*, the *Queene* priestesse, and was wont vp on the *Kalends* of every month to sacrifice a porker on a lambe in her palace in the honour of *Iuno*.

CHAP. 16.

*De Marte, sive Mavorte, & Salis
Palatinis Marti dicatis.*

MARS otherwise, called *Mavors* by the figure *Eponotheis*, as we say *Induperator* for *Imperator*; was reputed the God of warre, & so *Metonymicus* is vsed for warre; as *vario Marte pugnatum est*, the battell was doubtful; *proprio Marte*, by ones owne strength, & labour. He was the sonne of *Iuno* onely without company of her husband: for when *Iuno* was greatly displeated with her selfe, that *Iupiter* by stricking his head without company of a woman did bring forth the goddesse *Minerva*, shee by the counsel of the goddesse *Flora* touched a certaine flowre in the field of *Olenius*, by vertue whereof shee immediately conceaued the God *Mars*. This God by reason of his dominion in warre, the Romans painted fiery, sometimes in his charior, sometimes on horse-backe, with a iauelin in one hand, and a scourge in the other. In old coines there was sometimes the picture of a cocke ioyned with him, to shew the vigilancie, and carefulnesse that souldiers are to vse. He was called *Gradium à gradiendo*, from marching in battell against his enemies. He had a temple without the citie, whence he was called *Extramuranens*. Neere vnto this temple without the gate *Capena* did lie a stone of great note, which vpon great drouths the people would bring into the citie, and presently rayne would follow, wherevpon it was called the Raine stone, *Lapis manalis à manando*. *Numa Pompilius* in the honour of *Mars* surnamed *Gradi-*

• *Rolin. an-*
• *lib. 2. c. 10.*
• *7 Rolin. lib.*

was ordained 12 dauncing priests called *Sali* ^a *salendo* ^a Plutarch, 10
 from dauncing, which number afterward we finde to haue ^{Numa.}
 beene doubled by *Tullus Hostilius* in the warre against *Fiden*
dena a town of the *Sabines*. The former 12 being called *Sal-*
ly Palatini, from the *Palatine* mount, where they did begin
 their maurske; the others *Collini* from the hill where their
 chappell stood; ^a and sometimes *Quirinales*, and sometimes
Agonales; so that the whole college contained 24 priests. ^b Dion. Hali-
^b The occasion of their first institution was this. vpon a carn. lib. 1.
 certaine time in the raigne of *Numa*, the plague or some other ^c Plutarch, 10
 contagious sicknesse was very hot among the Romans, in-
 somuch that no sacrifice, or holy offering, could remove it:
 at that time a certaine brazen target, or scutcheon called in
 Latine *ancu pelta*, or *ancile*, big at both ends, but curlike an
 halfe moone on each side fell from heaven into *Numa* his
 hands, with a certaine voice promising all health vnto
 Rome so long as that brazen target could be kept safe.
 Whevpo *Mamurius* a cunning work-man by the appoint-
 ment of *Numa* made eleaven other *ancilia* solike the first,
 that neither could be knowne fro the other: (to the intent
 that if any should be so wicked minded as to steale it, hee
 might faile of his purpose by mistaking one for another.)
 These twelue Priests had the custody and keeping of them
 committed to their charge, & in the month of *March* euerie
 yeere they apparelled themselves with a patty coloured
 coat, called *tunica variegata*, girt close to their body, with
 a belt, or sword-girdle, and a breast-plate of harness cal-
 led *anum tegmen* vpon that, and a robe of estate called *trabea*
 clasped about them vpon most of all. Vpo their heads they
 did weare *apices*, i. caps much like vnto the *Persian* bon-
 nets called in greek *avθαιος* or *inap*. They did somewhat
 resemble our head-peece, in warre made close vnto the
 head, with a crest of cloath vpon the top, whence some
 haue called them *galea*. They being thus apparelled daun-
 ced about the *Forum*, or market-place, & the *Capitol*, with
 short swords by their sides, a iavelin in the right hand; and
 their

their *quells* in the other vsing certaine songs: either of the Gods, and those they called *Iannali*, *Iunoni*, and *Minervij* or of men, and those they called *examenta*, because in those songs they did *exare*. i. nominate and call vpon the names of some well deserving men: as *Mamurini* which made those eleaven scutchions, was often called vpon in those songs. Vpon these their festiual daies they had excellence of cheere, whence ^d *Horace* hath vsed *saliarum dapas*, to signifie dainty fare.

^a Horat. lib. 1.
Ode 37.

CHAR. II.

De Facialibus, & Patre-patrato.

THese *Faciales* were officers at armes, or Heralds, to denounce war, or proclaime peace, appointed therevnto at first ^e by *Numa Pompilius*. The chiefe part of their office was to dissuade the *Romans* from molesting any confederate nation with vnjust warre: & if any confederate nation did offer iniury vnto the *Romane* people, then did these *Faciales* goe as Embassadors vnto them perswading, and exhorting them to yeeld the *Romans* their right: but if they continued thirty daies obstinate refusing to yeeld vnto that, which should be iust and right, then did they presently denounce warre against them, casting forth a dart in token thereof, which denunciation was ^g called *clarigatio à clarà voce, quâ utebatur Facialis*. Others are of opinion that whensoever warre was denounced, this Herald at armes should ^h turne loose a ramme vnto their enemies borders, signifying thereby that their fields should shortly become pasture for the *Romans*: from which custome wee say of one that challengeth another into the field, *Aristi cussit*. Again if the *Imperator*, or Lord general had done ought against his oath, these *Faciales* by their sacrifice did avert the wrath of the Gods from him. The chiefe of them was called *Pater-patratus*, a perfect father, for he only could be *Pater-patratus*, which had both children of his owne, and his father also aliue. They were called

^a Pomp. Læ-
tus de sacerdot.

^f Dion. Halicar. lib. 2.

^g Serv. JEnec.
lib. 10.

^h Vid. Erasim.
adag.

led *Faciates* à *facere faciendo*, from making a league or peace betweene nations. This league which wee in Latine do cal *foedus*, the *Romanes* in old time did cal *Fidus*, as *Ennius* and *Pighius* witnesse: whence these *Faciates* were termed also *Fidei Flamines*.

¹ Pighius Septim. lib. 1.

CHAP. 12.

De Duumviris, Decemviris, & Quinddecimviris sacris faciundis: Item de Sibyllis.

THIS priesthood had his first institution from *Tarquinius Superbus*, whose office was as well to expound, as to keepe the oracles of those ten prophetesses so famous throughout the world, called *Sibilla*. Concerning whom *Munster* hath these words: In times past there came a strange woman to *Tarquinius* the king offering 9. books full of the *Sibylline* oracles to be sold: But *Tarquinius* thinking the bookes to be deere, refused to buy them. The woman departing burned three of these bookes, and came the second time vnto *Tarquinius*, demanding as much for those fixe bookes, as formerly shee had done for the 9. *Tarquinius* then began to deride her, whereat the woman departed, and burned three more, returning againe vnto *Tarquinius*, and asking as much for the three left, as shee asked at first for all nine. Then began *Tarquinius* more seriously to be thinke himselfe thereof, and sent for his *Augurs* asking counsell and advise of them. And they vnderstood by certaine signes observed, that the king had refused some speciall goodnesse sent from the Gods: and for the bookes that remained they advised that the woman should haue what shee asked: As soone as the woman had deliuered her bookes shee presently vanished, and was never seene againe, onely warning them to keepe the bookes as safe as possibly they could. For the safe keeping of these, *Tarquinius* chose two of the noble men, or *patricies*, calling them *Duumviri*, appointing them as well by study to expound, as with care to keepe those oracles. In processe of time the people obrai-

² Munster. in sua cosmog. lib. 2.

Penckel. de
sacerd. c. 13.

Seneca Encl.
lib. 6.

Munster. in
sua Cosmog.
lib. 2.

Credite me vo-
bis solum reci-
tate Sibylla.

Epist. lib. 1.
epist. 1.

ned, that tenne should be appointed to this office, five of
them being chosen out of the commons, & five out of the
nobles: and then were they called the *Decem-viri*. After-
ward by *L. Sylla*, as it is thought, five more were added, so
that they were then called the *Quindecim-viri*: & may the
number was increased by *Sylla* unto forty, as *Servius*
thinketh, but still called by the name of *Quindecim-viri*. Of
these women that had the spirit of prophetic ten were ve-
ry famous: the first was called *Perfica*, the second *Lybica*,
the third *Delphica*, the fourth *Cumae*, the fifth *Erythrae*,
the sixth *Samia*, the seauenth *Cumana*, the eighth *Helleston-
tia*, the ninth *Phrygia*, the tenth *Tiburtina*. They all prophec-
ied of the incarnation of *Christ*. The place where these
bookes were kept was within the Capitol vnder ground in
a chest of stone, where they remained safe vntill the bur-
ning of the Capitoll, at which time they also were burned.
Notwithstanding many of the prophecies haue bin known,
partly by tradition, and partly being take out of other co-
pies in other countries. One of the prophecies concerning
our Saviour *Christ* was uttered by *Sibylla Delphica* in man-
ner as followeth: *Nascetur propheta absq; matris coitu ex
utero eius*, that is, There shall be a prophet borne without
any copulation of the mother, even out of her wombe. It
was spoken at *Delphos*. All their prophecies were of that
certainty, that whē they would averre any thing to be vn-
doubtedly true, we vse to say it is *Sibylla solum*, as true as
Sibyllas oracles. The *Cumae Sibylla* did write her oracles
at the mouth, or entraunce of her caue in leaues of trees,
which the fiercenesse of the winde did often times so scar-
ter, that they could hardly be brought in order againe: in-
somuch that when wee would shew the great difficultie of
bringing things in order, we may vse *Politian* his words,
Labris suis est, quoniam Sibylla folia colligere, it is easier to ga-
ther together *Sibyllas* leaues. This name *Sibylla* is not a
proper name, but an appellative common to all women
endowed with the spirit of prophetic, taking their deno-

mination from *Gods*, which is in the *Enlick* dialect the same *¶* Serv. Anti.
 that *Gods* i. God, and *Quintus* i. counsell, because they did o. lib. 6.
 pen and declare the counsell & determination of God vn-
 to the people. It appertained also vnto these *Quintus*
vari aboute-mentioned to see, that sacrifice and divine ser-
 vice, that supplications, and processions, expiations, and all
 ceremoniall-rites were duly performed.

CHAP. 13.

De Bonâ Deâ, & sacris diis.

THIS Goddess, which is so famous by the name of
Bona dea, is the globe of the earth, which is there-
 fore termed *Bonadea*, the good goddess, because
 we reape so many good things from the earth. Shee is cal-
 led also *Ops* the helping Goddess *ab ops*, from helpe, be-
 cause by her helpe we live. Shee is called *Faina*, and *Fauna*
 i. the Goddess of speech, because young children doe ne-
 ver speake vntill they are able to goe, and so haue touched
 the earth. The *Grecians* called her *γυναικα δαδ*, the fe-
 mal Goddess, because that no male might be admitted to
 her sacrifices; nay the very pictures of men were at that
 time to be covered. The inner roome, where her sacrifices
 were, was called *γυναικων*, the place for womens assem-
 blies. ¶ Those that were chiefe in these sacrifices were the
 Vestall Nunnes. This good goddess was supposed to bee
 the wife of *Faunus*, and vpon a time to haue bene taken
 drunke with wine by him, for which fault *Faunus* is said to
 haue beaten her to death with rodde of mirtle tree. But
 afterward being sorry for that he had done, in amends hee
 made her a goddess: and as it were ever after detesting the
 mirtle-tree, he allowing all other hearbs, and flowers to
 be vsed in these sacrifices, forbade the mirtle-tree. Some say
 she was so chaste, that she never was seene by any man but
 her husband, and in respect of her chastity the mirtle-tree
 is forbid, because it was consecrated to *Venus*. But where-
 as in this sacrifice they vsed wilde; they called it not by the

¶ Cic. orat. de
 Arusp. responsis

1 Alex. Gen.
dier. 1. 6. c. 8.

name of wine, but milke, or hony: whence they called the vessell wherein the wine was put, *amphorans mellariam*. i. the hony vessell. This sacrifice became very famous by reason of *Clodius*, who being in loue with *Pompeia*, *Iulius Caesars* wife came vnto these sacrifices in womans apparell, & was found out by *Aurelia*, *Iulius Caesars* mother. This *Clodius* became so infamous for this, and other his adulterous rancks, that hee occasioned a common proverbe amongst the *Romans*, *Clodius accusat moechos*, answerable to which our English saying is, One thereof accuseth another.

CHAP. 14.

De Cybelle, & Sacerdotibus eius.

THIS goddess *Cybele*, or rather *Cybele* was in her infancie exposed vnto wilde beastes vpon the hill *Cybellus*, where shee being nourished by the wild beasts afterward became a woman of admirable beauty. & being found by a shepherds wife was brought vp by her as her own child, and called *Cybele* from the hill *Cybellus*. Shee excelled in all naturall gifts, and was the first that vsed a taber, & pipe, and cymbals among the Greekes. Moreover shee tenderly loved children, and therefore was called *magna mater*: shee was also called *mater deorum*, the mother of the Gods:

Ep̄sa deūm fertur genitrix Berecynthia. Virg.

Shee was called *Rhea a p̄to*, to flow, because shee doth flow and abound with all kinde of goodnesse. Shee was also named *Pessinuntia* from the city *Pessinus* a Mart-towne in *Phrygia*, where shee had a temple. Moreover shee was called *Berecynthia* from the hill *Berecynthus* in *Phrygia*. where

(Pomp. Lx. shee was worshipped. Her priests were called *Galli*, and
sac. de. sacer. their chiefe governour *Archigallus*: they tooke their name from a certaine river in *Phrygia* called *Gallus*: of which whosoever dranke, he became somad, that hee would presently geld himselfe: (as in euery all her Priests were ioyntly gelded themselves with a flint shell:) The originall of which custome is rendred thus: *Cybele* loved a young

young man of *Phrygia* called *Atys*; and him she appointed chiefe overseer for her sacrifice upon condition that hee would keepe himselfe chaste perpetually: But hee not long after deflowred a nymphe, for which fact *Cybele* bereft him of his wits and understanding, so that hee in his madness did geld himselfe; and would haue killed himselfe also: had not the Gods in their commiseration towards him turned him into a pine-tree. In remembrance of him, ever after her Priests were gelded. Every yeare the *Prators* did sacrifice vnto this goddesse. But the performauce of the holy and religious rites at that time did belong vnto a *Phrygian* man, and *Phrygian* woman chosen for that purpose: which according to the manner of their country being apparelled with a party coloured garment called in Latine *Synthesis*, or *amictus variegatus*, and carrying the picture of their goddesse about with them in the streetes, they strooke their breasts with their handes, keeping tune with the tabers, pipes, and cymbals, which other people following played vpon: and they were called *Corybantes* from one *Corybantus*, which was one of her first attendants. And here vpon we call the cymbals *ara corybantia*. In this manner dancing about the streetes they begged money of the people whom they met: and hence were they named *Cybele* her collectors, or her *circulatores* i. iuglers. Some call them *palaupparai*, from *palaup* which in this place signifies *Cybele*, called the great mother, and *palaup* a begger or a gatherer of almes. Others haue called them *Misatriaci*: But by what name saeuer they were called the place was so infamous by reason of their drunkennesse, and vncivility vsed at these times, that when they should point out a notorious naughty fellow, they would call him *circulatore*. *rem Cybelinum*, *Cybele* her iugler. Neither was it lawfull for any free borne to vndertake that office.

*Cybelinus Atys Exyt hac
bunium trun-
coq. induruit
illo, Ovi, Met.*

Rosin. antiq. lib. 3. c. 27.

CHAP. 15.

De Collegio Pontificum, & Pontificis Maximo.

This

THIS word *Pontifex* is commonly translated a Bishoppe or Prelate, being called *Pontifices* in Latine, as also Pontifices in English from one part of their office, which was to haue the oversight of a great wooden bridge called in Latine *Pons sublicius*; being so great, that carts and waines might passe over it; having no arches to vphold it, but only great piles, and posts of wood: and that which is most remarkable in it, was, that it was ioined together only with wooden pinnes, without any yron at all: Others are of opinion that they were tearmed *Pontifices quasi pontifices* from *potis*, and *facio*, of which opinion *Lucane* seemeth to bee, according to that, *Pontifices sacri quibus est commissa potestas*. Concerning the number of them, only foure were appointed by *Numa*; all which then were to be chosen out of the *Patricij*: afterward foure more were added out of the commons. These were called *Pontifices maiores*, or chiefe Pontifices, to distinguish them from seaven other, which afterward *Sylla* added, and called them *Pontifices minores*, inferiour Pontifices. The whole company of them was called the college of Pontifices. This college is privileged from all allegiance, being not bounde to render an account of their doings either to the Senate, or Commonwealth. They were to determine all questions concerning religion, as well betweene their Priests, as betweene private men. They had authority to punish any inferiour Priest, if he either detraied or added vnto those religious rites, which were prescribed him. They had their great Pontific, whom they called *Pontificem maximum*. These Pontifices were wont to exceede in their dyet, insomuch that when the Romanes would shew the greatnesse of a feast, they would say it was *Pontificia cœna*, according to our english phrase, a feast for an Abbot. *Cœna adijctalis* is taken for the same.

* Plutarch, in
Numa.

* Fenest, de
sacerd.

* Rosin, antiq.
lib. 3. c. 22.

CHAP. XVI.

De epulantiis.

The

THe Pontifices in old time appointed three men, whom ^{Lazius de} they called *Trinumviri Epulonum* (from *Epulū* a feast) ^{Repub Rom.} to haue the oversight of the feasts made at sacrifices; after-^{lib. 3. cap.} ward by reason of two twice added, they were called first *Quinque viri*, and at length *Septemviri Epulonum*.

CHAP. 17.

De Tirijs.

ANother sort of religious men there were which li-
ued in the suburbs of the city & practised soothsay-
ing: They were called *Tirijs* from the name of the ^{b Pancirollus}
birds which they observed, which in Latine were called ^{lib. rerum de-}
Tiria. ^{perditarum}
^{cap. de mole}
^{Hadriani.}

CHAP. 18.

De Virginibus Vestalibus.

NEre vnto *Castors* temple stood the religious house,
or Nūnery dedicated to the goddess *Vesta*: where
at the first were foure, after 6. Virgins, or votaries
elected, whose office was chiefly to keepe the sacred fire:
the extinction whereof proved ominous, and did portende
some euill event shortly to happen: And therefore for their
negligence herein, as for all other small faults, they being
had into a darke corner, stripped naked, and a curtaine
drawne halfe way over them, the chiefe Pontife scour-
ged them: neither was it lawfull to kindle the fire once put
out, with any other fire, but from the sun beames; for which
purpose they had certaine instruments named *εξαγῆς*, ^{Plutarch, in}
which were formed in the maner of a *pyramis*, but hollow; ^{Numa.}
so that the beames being collected within the circumse-
rence, & meeting in the ~~center~~ did easily kindle any com-
bustible matter put vnto it, but chiefly if the matter was of
blacke colour: because, as philosophy teacheth, a darke co-
lour doth cōgregate, or collect the beames, whereas white-
nesse doth disperse them. A second part of their office was
to worke reconciliation, betwene parties offended, as ap-

b Suet. in Iu-
lio.

* Vid. sup. p.
21.

* Munst. in
sua cosinog.
lib. 2, c. 9.

peareth by ^d *Suetonius* where wee may read that by their
intercession *Sylla* was reconciled to *Cesar*. They were cho-
sen into this place betweene the sixth, and the eleventh
yeare of their age: and they were to remaine in this Nun-
nery 30. yeares space, 10. yeares to learne their ceremonies
and mysteries, 10. yeares to exercise them, & 10. yeares to
instruct others: within which space if they had suffered
their bodies to be defiled, they were to vndergo that feare-
full punishment * afore mentioned. But these 30. yeares be-
ing expired, marriage was lawfull for them, so that they
laid aside their scepters, their fillets, and other their sac-
erdottall ornaments. Notwithstanding those which did mar-
ry in the end dyed fearefull deaths: wherevpon they chose
rather to abstaine commonly. The *Romanes* had them in
great honour, so that they never walked abroad, but with
an yron scepter in their hands, and whatsoever malefactor
mett he (if the Nun would take her oath it was by chance)
he escaped punishment. They were named *Vestals* fro their
goddesse *Vesta*, which word (as * *Munster* writeth) is deri-
ued from the Hebrew *radix* signifying fire. The eldest was
called *Maxima Vestalis virgo* .i. the Lady prioresse, or
chiefe governesse.

CHAP. 19.

De veterum sacrificiis & ritu sacrificandi.

VHatsoever was burnt or offered vp vnto the Gods
vpon an altar it had the name of a sacrifice: and
Sometimes it was called *vistima*, *quod vincta ad aras stabat*,
because the beast to bee sacrificed stood bound vnto the
altar. Sometimes *Hostia*, from an obsolete verbe *Hostio*,
which is to strike: because certaine vnder officers called in
Latine *Pops* (standing by the altars, all their vpper part na-
ked, and a lawrell garland vpon their head), did *Hostiare*
vistimam .i. strike downe and kill the sacrifice. Others are
of opinion, that this name *Hostia* is taken from *hostis*, an
enimy: according to that of *Ovid*. *Hostium à domitis hostia*

nomen habet: because either before warre to procure the Gods favour, or after warre in token of thankfulness, they did *hostiam ferire*. i. offer vp the sacrifice. The second difference of sacrifices haue beene occasioned in respect of the time, and so they haue beene called *Pracidanea*, or *succidanea*, *quasi pracidanea* & *succidanea*. Those sacrifice, which were offered vp the day before any solemne sacrifice, were called *Pracidanea hostia*, fore-sacrifices, as wee english *praeursorum*, a forerunner: which fore-sacrifices if by any token they found vn lucky, then would they offer vp a second sacrifice which they termed *hostiam succidaneam*. And because these second sacrifices were to be offered only in steed of the other, when they were vn lucky or faulty; hence hath *Plautus* vsed this speech *Meum tergum stultitia tua subder succidaneum?* Must I bee whipped for thy fault? The manner of sacrificing was as followeth. Some certaine daies before any sacrifice was to be perfourmed, the Priest was wont to wash his whole body, especially his hands & feet, which if he had not washed, the sacrifice was accounted polluted: and alluding vnto this custome we say a man doth *Accedere ad rem illius manibus*, or *illius pedibus*, as often as he enterpriseth any business without due reverence or preparation therevnto.

[¶] Vid. Erasim.
Adag.

*Maſi mī iē nū: dī aſiſmū a dō mī iē nū
Hæſtū dī aſiſmū. Heſiod. i. p. 2. q. 2.*

Moreover the priest was to abstaine from his marriage bed, as likewise from diuerſe kinds of meates, and at the time of his going to sacrifices, either himſelfe, or ſome inferiour Sexton going before him, with a rod or wand in his hand (called *commentaculum*) & vsed this forme of words vnto the people: *Hoc ago*, attend this you are about: which *Numa*, ſome ſcemeth to haue had its originall from the *Grecians*. For before the time of sacrifice the Grecian Priest vsed almost the like ſpeech vnto his people. As *in* *77 A. i.* who is is here? the people answered *many, many*. i. many men, and good. After this preparation, then did the Priest laying his

[¶] Plutarch.
cu- Numa.

^a Serv. *Æneid.*
lib. 1:

¹ Pancirol, lib.
rerum deper-
dit, c. de sale
Ammoniaco.
¹ Textor in
sua officina,
*Sperge salis col-
la taurorum*
moli. Sen. Oc-
cip. Act. 2. sc. 2.
¹ Pancirol, lib.
rerum deper-
dit, cap. de Am-
moniaco sale.
*Medi inter
cornua fundit.*
Virg. *Æneid.*

^a Rosin, antic.
lib. 3. c. 33.

hand vpo the altar, rehearse certaine prayers^b vnto the God
Ianus and the Goddesse *Vesta*: because the *Romanes* were
perswaded, that without their intercession they might not
haue access^c vnto the other Gods. His prayers being ended
then did hee lay^d vpon the beasts head a little corne toge-
ther with a cake made of meale and salt, called in Latine
Mola.^e *Mola erat far totum sale aspersum*. From this cere-
monie the act of sacrificing hath been tearmed *Immolatio*.
After this the soothsayer dranke wine out of an earthen or
woodd^f chalice called in Latine *Simpulum* or *simpuvium*:
It was in fashion much like our cywers, whence we powre
water into the bason. This chalice afterward was carried a-
bout to all the people that they also might *libare*. I. lightlie
tast thereof¹ which rite hath been called *Libatio*. Now eve-
ry one having tasted thereof, the rest of the wine with fran-
kincense mixt in it was to be powred vpon the beasts head,
betweene the hornes, one crying out with a lowd voice,
Macte est hostia. I. *Mugis aucta*, more encreased and made
more pleasing vnto the Gods; as *Virgil* saith, *Macte novâ
virtute per.* I. O good child which encreasest in vertue.
And hence even from this tearme, we may coniect, that the
word *Macta*, which signifyeth to kill, & sometimes to sa-
crifice, hath had its originall, because they did immediatly
after that voice, *mactare hostiam*, that is, slay the sa-
crifice, and that was done in this^a manner. First the Priest
did pluck off some of the beasts haire between the hornes,
& cast them into the fire, calling them his *prima libamina*
.i. his first offritgs: Then did he turning his face toward the
East, draw a long crooked knife vpon the beasts backe, cõ-
manding his vnder officers, which I called *Papa* (others
Cultrarii, from their knife; *Velimarii*, from the hoast; and
Agones, because they standing ready to giue the stroak, of-
ten vsed this word *Agon!* for *Agone*. i. must I to my work²)
to kill the beast. The other people standing by, some did
with vessels saue the bloud, others did flea or skinne the
beast; others washed it. Anone some soothsayer or Priest
did.

did obserue the intrals, turning and winding them with a knife which was called *Socespita*, a *secundo*: so he might not touch them with his hand, they conceiting that if the sacrifice had proved polluted, his hand would then haue perished. Now after the soothsayer or priest had sufficiently turned the intrals, and found no ill token therein, then did those *Papa*, or Church-butchers, cut off from every bowell some portion, which after they had rolled in barley meale, they sent it in baskets to the priest, and the priest taking it vp into a broad charger or platter called *discus*, or *lanx*, laid it vpon the altar and burne it, & ° this was properly tearmed *litare*, or *Reddere*. i. to satisfie by sacrifice, or to pay the sacrifice, which was owen vnto the Gods. After that the portion laid out for the Gods, had beene burnt, then did al the people repaire vnto a common feast; where, as they were eating, they sung hymnes, and songs in the praise of their Gods, and playing on cymbals, they danced about the altars; intimating thereby, that there was no part of their body, but should bee employed in the service of their Gods. Now vntill all rheir ceremonies and mysteries were finished, it was not lawful for any to taste of this feast: insomuch that we since haue vsed to checke a glutton, or greedy-gut, which can not abstaine from his meat til grace he said, in this manner, *Sacra hand immolata deorat*.

° Ioach. Camerar. pro Flacco.



Lib. 2. Sect. 3.

Of the Romane yeere.

CHAP. 1.

De Anno & partibus eius.



I followeth that now we should descende vnto those several *appendices* vnto religion; namely the *Romane* yeare, their plaies, their māner of feasting, their several kinds of garments, their Nuptials and Funerals'. This word *Annuus* is so called *quasi Annulus*, because (as the Greeke word *ἔνιαυτος* signifieth) *ἐν ἑνιαυτῷ ἑστὶν ἡ ἐπιστροφή* *in se convertitur annus* : which was the reason why the Egyptians in their mysticall cyphers (called *litera hieroglyphica*) did vse the picture of a serpent, having his taile in his mouth to signifie an yeare. The time or space of this yeare hath beene diverse; according to the diversity of nations.

^a Some allowed no more daies to an yeare, then we doe to a month; and thence they called it *annuum lunarem*. ^b Some allowed fowre monthes, some sixe monthes, some ten: And thus *Romulus* measured his yeare, counting that a sufficient time for an yeare, which was sufficient for a womans travel in childbirth: or for an woman to mourne for the death of her husband.

^a Plutarch. in
Numa.
^b Plutarch. ib.

Quod satis est uteromatrix dum prodeat infans,

Hoc anno statuit temporis esse satis.

Per totidem menses à funere coniugis uxor

Sustinet. in viduâ tristia signa domo.

Thus

Thus *Romulus* his yeare contained of monthes ten; of daies three hundred and foure; but after this, *Numa*,^c or as some saie, *Tarquinus Priscus* perceauing that the monthes did not alwaies fall out alike every yeare; but sometimes the same month would happen in the sommer, sometimes in the winter, therevpon after long study and many instructions from the *Grecians* finding the reason of this confusednesse, he added vnto *Romulus* his yeare fifty daies, so that the whole yeare afterward, was divided into twelue monthes; because the moone had finished her course 12. times in that space; Beginning their yeare then at January: because then in his iudgement was the fittest time to beginne the yeare, when the sunne being farthest from vs did begin to turne his course, and to come vnto vs againe; which is about Ianuarie, the sun being about the Tropicke of Capricorne. Afterward vpon a superstitious conceite of the odde number, *Numa* added one day more vnto *January*, so that wheras at the first *Numa* his yeare did agree with the *Grecian* yeare, both of them containing three hundred fifty foure daies; Now the *Romane* yeare contained three hundred fifty five daies, which computation falling out too short for the true yeare by the space of ten daies, and six houres yearly, it occasioned every eighth yeare the interposition of three whole months, which they called their leape yeare:^d This confusednes afterward *Iulius Caesar* by long study remedied, adding the odde ten daies vnto *Numa Pompilius* his yeare: And least the odd six houres might at last breed disorder in their computation, hee appointed that every fourth yeare a whole daie should bee inserted, next after the three and twentieth of Februarie; which inserting they called *Intercaletio* from an old verbe *Intercaleo*, and that day they called *Intercalem*. Now the day following being the foure and twentieth of Februarie, was alwaies the sixt of the Kalends of March, and therefore because of the interposition of that day, they called the leape yeare *Annum bissextilem*. i. the yeare wherein there

^c Vid. Geor. Merulam in orat. pro Q. Ligario.

^d G. Merula in orat. pro Q. Ligario.

^e G. Merula in orat. pro Q. Ligario.

fall.

† Rosin. Ant.
Rom. lib. 4.

* Hubert. lib.
3. epist. famil.
42.

fallen out two daies which they called *Sext. Calend. Martij*. And the day thus interposed, was called *dies bissextus*. This computation which *Iulius Caesar* found out wee haue embraced, & doe at this day follow, calling our yeare *Annum Iulianum*,[†] and *Annum magnum*, having relation to the monthly yeare called *Annus Lunaris*; and sometimes this great yeare is called, *Annus vertens à vertendo*; because it is alwaies turning, and running on. * Moreover we must remeñber that the Romans did begin their yeare at March; whence that month which since hath beene called *Iulius* in the honour of *Iulius Caesar* was by them called *Quintilis*, because it was the 5 month; and that month which since hath beene called *Augustus*, in the remembrance of *Augustus Caesar* was by them called *Sextilis*, because it was their sixt month. Thus then the great yeare being divided into twelue months, every month was divided into three parts. i. *Calendas*, *Nonas*, and *Idus*. For the better vnderstanding of which, I shall insert three common verses.

Principium mensis nostri dixere Calendas:

Sex Mains Nonas, October, Iulius, & Martj,

Quatuor at reliqui: tenet Idus quilibet octo.

That is the first day of every month is called the Kalends of that month. The 2. 3. 4. 5. 6. and 7 of these soure months, May, October, Iuly, and March, were called the Nones of that month: but in all the other months the Nones contained but the 2. 3. 4. and 5 day, so that the fifth day (for example sake) of Ianuarie was called *Nona Ianuaria*, or *Iannarij*, the fourth *Pridie Nonarum*, or *Nonas Ian.* (For they used alwaies to say *Pridie Cal.* *Pridie Nonar.* and *Pridie Iduum*, instead of *secundo Cal.* *Non.* *Id.*) The third day of Ianuarie, they called *tertium Nonarum*, vel *Nonas Ianuar.* the second day of Ianuarie they called *quartum Nonarum*, vel *Nonas Ianuar.* After the Nones followed the Ides, which contained eight dayes in every month, so that the 25 day of the soure aforesaid months, were called *Idus Martij*, *Idus Octob.* *Idus Iulij*, and *Idus Martij*. In all the o-
the

cher months, the 13th day was the *Ides*: as to proceed in Januarie, the thirteenth day was called *Idus Ianuar.* the twelfth *Præidus Iduum, vel Idus Ianuar.* The eleventh *tertio Iduum*, or *Idus Ian.* the tenth *quarto Iduum*, or *Idus Ian.* the ninth 5^o *Id Ian.* the eighth 6^o *Id. Ian.* the seaventh 7^o *Id Ian.* the sixt 8^o *Id. Ian.* After the *Ides* then followed the *Kalends* of the next month. As the fourteenth of Januarie was *decimo nono Calendarum*, or *Calendar Februar.* the fifteenth *decimo octavo Calend. Feb.* the sixteenth *decimo septimo Cal. Feb.* &c. Where we must note that as often as wee vse *Præidus, tertio, quarto,* or any of those numerals with an accusative case, as *Præidus Calendar, &c.* the *Grammarians* say that this preposition *Ante* is eclipsed. It followeth now that I should treat of the daies, which are the lesser parts of the yeare: where before we proceed wee will consider the parts which the *Romans* divided their day into.

Diluculum. The breake of day.

Mans. The full morning.

Ad meridiem. The fore noone.

Meridies quasi Medidies. Mid-day, or
quasi Merus dies. Perfect day, Noone.

De meridie. Afternoone.

Solis occasus. Sun-set.

Crepusculum. The duske of the evening.

Prima fax. Candle-tining.

Vesper. The night.

Concubium. Bed-time.

Nox, interposita. The first sleepe.

Ad mediam noxem. Towards mid-night.

Media nox. Mid-night.

De media nocte. A little after mid-night.

Gallininium. Cock-crowing.

Continuum. All the time from cock-crow-
ing to the breake of day.

The day and night againe were each of them divided into
primam, secundam, tertiam, & quartam vigiliam; every watch

^a Alex. Gen.
lib. 1. cap. 12.

^b Vid. Erasim.
Adag. vñ one
signat.

¹ Ascensius in
epist. 3. illust.
vir lib. 2.

^k Rosin. an-
tig. lib. 4. c. 3.

¹ Alex. Gen.
dier. 1. 5. c. 7.

containing three houres. The first of the night began at six of the clocke in the evening; and the fourth ended at six of the clocke in the morning. These watches were distinguished by severall notes and sounds of cornets or trumpets, that by the distinction and diversity thereof, it might easily be knowne what watch was sounded. Moreover we must vnderstand that the *Romanes*, vpon a superstitious conceit, and observation of misfortunes and evill events falling out on some daies, and more happy successe vpon others, haue called the former sort of daies *Atros dies*, & the latter sort *Albas dies*,^b borrowing the names from the *Scythians*, who vsed to chalke out the fortunate daies in their Kalenders with white characters, whence *Horace* saith,

Cressan non careat pulchra dies nota.

Other some, as their vnfortunate and unlucky daies, were noyed with a coale or blacke character, according to that,

Nigro carbone notatum.

Againe their Kalender distinguished some dayes for Holy daies, which they called *Dies festos*, festiual daies, or *dies Periatos*, & *Ferias*, Holy daies,¹ because they did vpon such daies *Ferire victimas*. i. offer vp sacrifices. Others were distinguished for working daies, which they called *Profestas* *quasi procul a festis*. The third distinction was of halfe-Holy daies, which *ab intercidendo*, they called *Dies intercisos* as it were dayes cut asunder: the one part of them being allotted for worldly busineses, the other for holy and religious exercises. ^k These *ferias* were either *privata*, and so they belóged sometime to whole families, as *Familia Claudia*, *Emilia*, *Julia*, &c. sometimes to private persons, as every one his birth day, particular expiations, &c. or else they were *Publica*, such as the whole common-wealth did obserue: and they were of two sorts, the one called *Anniversaria*, which were alwaies to be kept on a certaine day, and therevpon they were called *ferias statinae*; the other *conceptiva* which were arbitrarie, & solemnised vpon such daies as the magistrates and priests thought most expedi-

ent

ent, whereof the *Latina FERIA* were chiefe: which *Latina FERIA* were kept on mount *Albanus* to *Jupiter Latiar*, for the preservation of all the Latine people in league and confederacie with the *Romanes*, and were solemnised in memory of the truce between those two nations. Those *feria* which were called *Imperativa* & *Indictiva*; because the *Consul*, *Prator*, or chiefe Pontific; according to their pleasure *imperabant*, & *indicebant* *has*. i. commanded them, may in my opinion be contained vnder that member of *FERIA conceptiva*, in respect of the vncertainetie of them. Another distinction of daies is found in the Roman Kalender, to haue beene in *Fastos*, whole court or leet-daies; *Ex parte Fastos*, Halfe court dayes; *Nefastos*, Non-leet daies: though this word *Nefastus* be often expounded vn lucky, as in that of *Horace* touching the tree, *Ille & nefasto se posuit die*. i. Hee placed thee in an vn happy time. These daies were so called *a fando*, frō speaking; because vpon those daies which were *Fasti*, the *Prator*, or L. chiefe Iustice might lawfully keepe court and administer iustice, which was not done without the speaking of these three words, *Do, Dico, and Addico*; *¶ Dabat actionē; dicebat iur; Addicebat cā res; quam homines.* Where by the way wee must note, that sometimes these court daies were also called *dies comitiales*, because that vpon every such day as the *comitia*. i. the publike assemblies were held, it was lawfull to keepe court: whence not only *comitalis dies* doth signifie a law day, but *comitalis homo* also doth signifie a wrangler in the law, or a litigious person,

m Alex. Gen. dier. lib. 5. c. 7. n Serv. Aenci. lib. 1.

o Carminum lib. 2. Ode. 13.

¶ Ioach. Camerar. pro Flacco.

¶ Bersman. in suis annot. in Rom. Calend. ad finem Ov. Fast.

CHAP. 12.

De *Ludiis*.

THIS word *Ludus* hath diverse acceptions, sometimes it is take for a iest or scoffe, as *ut me ludis facis*? How he scoffeth me? Sometimes for a place of exercise where any seate is learned, as *ludus literarius*, a schoole for learning; *ludus gladiatorius*. a fence-schoole; and *Aperire*

Alen. Gen.
lib. 6. c. 19

Rosin. Ant.
lib. 5. c. 5.

Vid. Erasim.
dag. operam &
oleum perde-
re.
u. Macro. lib.
Satir.

ludum, to set vp a schoole. Sometimes for any game, pa-
sttime, or sport publicly exhibited, either that thereby
the Gods might bee appeased, or the applause and fa-
vour of the people gained. These games from the diversitie
of the place where they were had, may be divided into *lu-
dos compitales, circenses & scenicos*. *Compitales* were such
as usually were solenized in *compitiis*, i. in the crosse-waies
and open streetes. *Circenses* were circque-shewes, taking
their appellatio either fro the great circque, or shew place,
called *Circus Maximus*: where the games were exhibited; or
from the swords wherewith the players were invironed, as
one would say *Circenses*. They much resembled those
Grecian games, called *certamina Olympica*, where the run-
ners with chariots were hemmed in on the one side with
the running river, and on the other with swords pitched
point-wise, that they should hold on the race directly, and
not swarue aside without danger. Some haue thought the
to be the same with *Iudi Gymnici*, so called from *gymnē*, na-
ked; because that those which did performe these kinde of
exercises did either put off all, or the greatest part of their
clothes, to the intent that they might the more readily and
nimble performe their games; for which purpose they did
also annoint their bodies with oile. Whence we say when
a man hath lost his cost, and labour, *Operam & oleum per-
didit*; *oleum* in this place signifying cost & charges: so that
the proverb was the same with that of the coblers crow,
opera & impensa perijt. The games and Masteries vsed in the
circque were diverse; namely fitty-cuffes, fencing with
swords shaking the speare, dauncing in plaine ground lea-
ping, iumping, casting the dart, wrestling, running the race
with chariots, which was called *certamen bigarum vel qua-
drigarum*; playing at whorle-bats, which was termed *bel-
lare castris*; casting or hurling the great stone called *discus*;
though sometimes this *discus* was made of yron or brasse:
The players thereof were called *discoboli* from *discus* and
bolus, to dart or cast out any thing. The third sort of plaies
were

were *Iudi Scenici*, stage players. The reason of this name *scenae* may be scene before. The first institution of them was occasioned by reason of a great sickness, which by no medicinal help could be removed; The *Romanes* superstitiously conceiving, that some new games or sports being found out the wrath of the Gods would thereby be vntarmed. Whereupon about the towre hundredth yeare after the building of *Rome* they sent for certaine stage-players out of *Hetruria*, which they called *Histriones* from the *Hetruria* word *Hister*, which signified such a player. Concerning the diverse kindes of stage-players I read of *swore*, called by the *Grecians*, *Mimica*, *Satyræ*, *Tragœdia*, *Comœdia*: by the *Romanes* *Planipedes*, *Atellana*, *Prætextata*, *Tabernaria*. In English *Fables* *Mimicall*, *Satyrical*, *Tragicall*, *Comicall*. These *Mimicall* players did much resemble the clowne in many of our English stage-players, who sometimes would goe a tip-toe in derision of the mincing damies; sometimes would speak full-mouthed to mocke the country-clownes; sometimes vpon the top of their tongue to scoffe the citizen. And thus, by their imitation of all ridiculous gestures or speeches, in all kinde of vocations, they provoked laughter; when e both the plaies and players were named *Mimi*, from *μῖμος* an Imitator, or one that doth ape-like counterfet others: as likewise they were called *Plantipides*, because the Actors did enter vpon the stage *planis pedibus*. 1. *Ex*. Alex. lib. *calceati* bare-footed. The second sort of players were called *Satyræ*, from the lascivious & wanton country-Gods called *Satyræ*, because the Actors in these *Satyrical* plays, did vse many obscence poems, and vnchaste gestures to delight their spectators. Afterwarde these kinde of actors as wee may coniect, did assume such liberty vnto themselves, that they did freely and without controulement, sharply tax & cenure the vices even of kings, as well as of the commons; insomuch that now wee call every witty poeme, wherein the liues and manners of men are sharply taxed, A *Satyræ*, or *Satyrical* poeme. *Satyræ morosa sive & salsum genus*

Vid. pag. 14.

Lazius de
Repub. Rom.
lib. 10. cap. 17.Alex. Gen.
dier. 1. 6. c. 19.

Alex. lib.

Antesignan.
in suis obser.
de metris, co-
micis. Teren.
præfixis.Vid. Erasmi
adag.Kappeler
on Satyræ

carminis. These satyricall plaies were also called *Attellanae*, from the city *Attella* in *Campania*, where they were often acted. The third sort of stage-plaies, were called *Tragodia*, from *tragos* a goat, and *odē* an ode or song; because the actors thereof had a goat given them as a reward. And likewise they were called *Pratextata*, frō *Pratexta*, a certaine *Romane* robe, which these actors did vse to weare in their plaies. The fourth sort were *comœdia*, frō *κῶμαι*, which signifieth villages, and *ᾠδῆ*; because these kinde of actors did go vp and downe the country acting these *Comedies* in the villages as they passed along. They were likewise called *Tabernaria à tabulis*, i. from the boards or pentices wherewith they were sheltered frō the weather, whiles they were acting. These two last sorts of plaies, namely *Tragedies* and *Comedies* being still in vse amongst vs, it will be worth our labour to consider the communities, wherein they agree; & likewise the proprieties or notes of distinction by which they differ. I finde three sorts of parts, wherein they agree, namely *partes primariae, accessoriae, circumstantes*; partes principal, accessory, and circumstances, which are not so true lie parts, as accidental ornaments added to beautifie the plaies. The principall parts are 4. in respect of the matter treated of. For as farre as the declaration or exposition of the matter in hand reacheth, without intimation of the event to ensue, so farre reacheth the first part called *expositio*, which word signifieth no more then a proposition or declaration. But when the play inclineth to its heate and trouble, then ensueth the second part called *intrusus*, which signifieth the intension or exaggeration of matters. The third part is called *arsus*, i. the state and full vigour of the play. The last part which is an vnexpected change into a suddaine tranquillity and quietnesse is called *clausura*: whence by a metaphor it hath beene translated to signifie the end, or period of any other thing; or rather the inclination vnto the end, as *vita humana catastrophe*, the end of a mans life, In respect of the players forsaking the stage, the parts were

siue

five; namely the five Acts. For the Actors did five times in every *Comedie* and *Tragedie* forsake the stage, and make as it were so many interruptions. The occasion whereof is supposed to have bene this, that the spectators might not be wearied out with a continued discourse or action, but that they might sometimes bee delighted with varietie intermixed. For those breaches and chasmes betweene each act, were made up and supplied, either by the *Chorus*, or *Musike*. Where we must note, that every *Tragedy* and *Comedie* must have five *Actus*, and no more, according to that of *Horace*.

Neue minor quinto, neu sit proditior actus

Fabula---

Again we must remember that it is not necessary that the *business* should alwaies be obtained in the first Act, though many times it happeneth so: for in *Plautus* his bragging souldier the *Protagist* is found in the second Act; & so likewise haue the other three parts: *Epitasis*, *Catastasis*, & *Catastrophe* their bounds vnbounded. These Acts are divided into severall scenes, which sometimes fall out more, sometimes fewer in every Act. The definition of a scene being *Mutatio personarum*. Whence we call a subtle *Gnatbo*, ^{Vid. Erasmi. adag.} which can humor himselfe for all persons and times *omnium scenarum hominem*, a man fit for all parts. Now amongst the *Romans* it was thought unfit, that about three persons should come on the stage in one scene.

Nec quarta loqui persona laborat. Hor.

The parties *accessoria* in a *Comedy* are foure, *Argumentum*, *Prologus*, *Chorus*, & *Mimus*. The first is the matter, or subject of the *Comedy*; the second is the *Prologue*, which is either *inductus*, such as doth open the state of the fable, at which time there needeth no argument; or else *exordium*, such as commendeth the fable, or the Poet vnto the people; or lastly *apoposus*, such as shall refute the obiections and cavils of adversaries. The third is *Chorus*, which speaketh betweene each Act; and this *Chorus* may consist either of one

* Rosin. ant.
cap. de trag. &
com. lib. 5.

one, or many speakers, & that either male or female; but with this caution, that if a male be to be commended, then must the *Chorus* consist of males; if a female be to be commended, then must it consist of females. And alwaies whatsoever the *Chorus* speaketh, it must be pertinent vnto the Act past, or covertly intimating somewhat ensuing.

Non quid mediis intercinat alius,

Quod non propius conducit & habeat apte. Horat.

The fourth and last accessory part, was *Mimus*, the clowne or foole of the play. Of all these parts a tragedy hath onely a *Chorus*. The *partes circumstantes*, or accidentall ornaments were foure, common to both, *Titulum*, *Cantus*, *Salutatio*, *Apparatus*, i. the title of the play, Musicke, Dauncing, and the beautifying of the scene. By the scene in this place, I vnderstand the partition betweene the players vestry, and the stage or scaffold. This partition at the acting of a Tragedy was vnderpropped with stately columnes & pillars, and beautified with paintings resembling princely buildings, and the images as well of Gods as Kings. At the acting of a Comedy country-cottages and private buildings were painted in the out face of the partition. In the *Satyricall* plaies the painting was overcast with shadowes of mountaines and woods. The first of these partitions they called *Scenam Tragicam*, the second *Comicam*, the third *Satyricam*. The differences betweene a Tragedy & a Comedy which may be collected out of *Antesignanus* are these first in respect of the matter, because a Tragedy treateth of exilements, murders, matters of griefe, &c. a Comedy of loue, foyes, merry fictions, and petty matters, the one being *seruus*, the other *liber*. In a Tragedie the greatest part of the Actors are Kings and Noble persons; in a Comedy private persons of meaner state and condition. The subject of a Comedy is often feigned; but of a Tragedy it is commonly true, and once really performed. The beginning of a Tragedy is calme and quiet, the ende fearefull and turbulent; but in a comedy contrarily the be-

* Alex. Gen.
dier. l. 1. c. 16.

* Antesign. in
suis observ.
de metris co-
micis Teren.
præfixis.

gin.

ginning is turbulent, and the end calme. Another difference which *Antissianus* hath omitted is behouefull for vs to knowe, namely that the Tragedians did weare vpon the stage a certaine shooe coming halfe way vp the legge in manner of buskins, which kind of shooe was called by the *Cothurnus*, and from that custome it hath beene occasioned, that *Cothurnus* is translated to signifie a Tragicall and loftie stile; as *Sophocles digna Cothurno*, matters becomming *Sophocles* his stile; & sometimes a tragedy it selfe. The Comedians did vse an high shooe coming vp about the ankle, much like a kind of shooes which plough-men vse to weare to keepe themselves out of the durt. This kinde of shooe is called *Soccus*, by which word sometimes also is signified a Comedy, as *Horat.*

Hanc soci copere potens grandisq; Cothurnus. Horat.
 All these sorts of stage plaies both *Mimicall*, *Satyrical*, & *Anticall*, *Tragicall*, and *Comicall*, if they were acted according to the *Grecian* rite and custome, then were they called *Palliana* from *pallium*, a certaine mantle which the *Grecians* did vse to weare: if according to the *Romane* manner, then were they called from the *Romane* gowne *Toga*. Another division of plaies hath beene taken not from the place where they were exhibited, but from the final cause or cause why. Some were celebrated in the honour of the Gods, & they were named *Ludi sacri*; others for the performace of some vow, being called therefore *Ludi votivi*; others for the more solemne celebration of funerals, whence they were called *Ludi funebres*; lastly others for sport and exercise called therefore *Ludi ludicri*. Vnto those sacred or holy plaies belonged these; *Iudi Megalenses*, otherwise called *Megalensia*, which were sports solemnized in the honour of *Cybele*; *Iudi Cratales*, sports in the honour of *Ceres*; *Florales*, in the honour of the Goddesse *Flora*; *Martiales* in the honour of *Mars*; *Apollinares*, in the honour of *Apollo*, &c. The *votiu* *ludi* were also performed in the honour of some God, but they were distinguished from *Iudi sacri*, because these

^a Ascensus
epist. viror.
illust lib. 5.

these *uotivi* were performed onely vpon occasion of some speciall vow made for whensoever the *Romans* did vnder- take any desperate warre, then did some *Roman* magistrate *Votueret ludos vel templa*, conditionally, that they got the conquest. ^b Whiles the magistrate vttered this his vow, he was said *Vota nuncupare* or *facere vota* .i. to make a so- lemne vow vnto the Gods; The vow being thus made, hee was said to bee *uotireus*. i. conditionally bound & obliged to the performance of this vow; so that the Gods might challenge the thing vowed as due debt, if they granted his request. But the request being granted, then was hee said *damnatus voti, vel voto*. i. simply bound to the performance of it; so that by a consequence *Damnari voti vel voto*, is to haue ones desire accomplished. The third sort of plaies, which we called *ludos funebres*, was fencing, and playing of prizes, the custome among the *Romans* being, that at the funerals of their friends, they would procure certaine slaues and captiues to ioyne combat vpon the *Amphitheatre*, vntill one of them had beene killed; whence those fen- cers were called *Bastuarij*, from *bustum*, the place where dead mens bodies were burned. They first began their fight with certaine cudgels, or yards called *Rudes*; & after- ward went to naked weapons (& that was termed *dimicare & veris armis pugnare*, this word *veris* signifying *mutatis* according to ^c *Ennius*) whereat they fought till one was killed; neither was the other so acquitted, but he stood lia- ble to vndertake another, & so a third, vntill hee had foiled six or seauen combatants: and if his hap were to prevaile so often, then did he recaue a garland or coronet of palme tree, wound about with certaine woollen ribbands called *Leuiscor*. ^d The coronet it selfe was called therefore *palma leuiscor*: and hence figuratiuely hath *palma* beene trans- lated to signifie the victorie it selfe; and such a mā as hath often gotten the prize, we say proverbially, that he is *Plurimum palmarum hunc*. The reason why the palme tree rather then any other tree should bee giuen in token of

ⁱ Saturn. ser-
mon. l. 2. c. 19.

^a Fr. Syluius
in orat. pro
Sex. Rocio.

^d Fr. Sylv. ab.

victory is rendered by many diuers good authors to bee this; = Arist prob. 7.
 because the palme tree, though you put neuer so ponderous and heavy weight vpon it, yet it will not yeeld, but q. 4. A. Cell.
 rather in deauiour the more vpward. After he had foiled sixe lb. 3. cap. 6.
 or seauen, he receaved one of those stoues or cudgels also,
 wherewith they began their combat, In token of libertie;
 signifying the by that he should hence forward lead his
 life free from shedding of blood. Alluding vnto which
 custome this word *Rudis* hath beene vsed to signifie anie
 other kind of freedome, or discharge, wherevpon *Horace*
 said of himselfe, that he was *Rudo donatus*, i. set at libertie,
 and discharged from his paines in poetry. The last sort of
 plaies called *Ludi ludicri*, were either military to traine vp
 young men in the knowledge of the art military, and those
 were called *ludi castrenses*: or else they were only for exer-
 cise, namely running the race, iusting, or surnameis, which
 were called sometimes *Troiani ludi*, sometimes *Troia* = Suet. in Iulio
 without any other word added thereto, & because *Asca-* Cæ. l. c. 39.
nus *Enius* his sonne first brought them out of Troy into F. Robin. Ant.
Italy. lib. 3. cap. 29.

CHAP. 3.

De mensis & convivij Romanorum.

BEfore we proceed vnto the description of the Romane
 tables, and manner of their feasting, we will explaine
 those five termes *lentaculum*, *Prandium*, *Merenda*,
Cæna, & *Comessatio*: which five words doe signifie the five
 severall feedings each day, which childre, old men, servants,
 travellers & such like did usually obserue. *Lentaculum* sig-
 nified their break-fast, and it had its name like as our Eng-
 lish word hath a *Leitunio* from fasting. In former times it
 was called *Silarum* from *Sile*, with the root whereof they & Robin. and.
 were wont to scission that wine, which they had at breake. lib. 3. c. 27.
 fast, For (as *Plutarch* saith) their breakfast was nothing & Plutarch. in
 but a sop dipped in wine. In the same place hee likewise symp. lib. 3. c. 6.
 saith, that in old time they had no dinner, but that which
 we

we call *prandium*, was the same with theirs as *lentaculum*; & thus much the Greek word *deipnon* signifying a dinner doth intimate. For it is so said *quasi a ventrem deipno*, which *Plutarch* interpreteth the morning. And therefore, when through *Epicurismus* this dinner time called *prandium* crept in as a distinct meale, it was called *prandium* from *prandere*, which signifieth incontinent, or one which cannot temperate himselfe. The name *prandium* is said *quasi vespertinus* signifying noone-meale. The third time of taking meate, was called *Merenda*, because it was taken *post meridiem*; we may english it our afternoones beever; it was called also *Ante-*

* *Plutarch* in
symp. l. 2. q. 6.

* *Iust. Lip.* ep.
cent. 1. ep. 65.

* *Plutarch* in
symp. lib.

* *Lxvinus*
Torrent, in

Suet. Vitell.
vid. Rosin. an-

tiq. l. 5. c. 27.
7 In orat. pro

M. Caelio.
* *Lazius* de

Repub. Rom.
lib. 3. cap. 3.

cenium; because it was taken a little before supper. * *Merenda est cibum qui declinante die sumitur, quasi post meridiem odendus, & proxima cena; unde & Antecenium a quibusdam dicitur.* The fourth time was their supper called *cena*, *quasi novis*, which signifieth as much as common. * *Quia antiquitus seorsim solebant prandere Romani, canare cum amicis.* Their first & last time of feeding, was called in latin *comissatio* by some; by most * *comessatio à comedendo.* * *Ioannes Tislinus* saith that it is a beever takē after supper, or a night drinking. But the chiefe feast whereat they gave entertainment being their supper, wee will consider these three things therein. First *Accumbendi vel discumbēdi rationem*, i.e. the manner of their lying at supper (for they sate not at table as we do.) * Secondly, the forme & fashio of their table; and lastly the parts of their supper. The place where they supped was commonly called *convicinium à cena*, as our dining-chamber is so called from our dinner. It was also called *Triclinium* or *Biclinium* from *tridra* bed: for sometimes there were three beds, sometimes but two about the table, vpon which the guests did sit, or rather ly along. In this dining parlour was placed a table, sometimes made quite round; and for the common sort of people it was made of ordinary wood, standing vpon three feet: but for men of better fashion, it was made of better timber, & laid sometimes with wood of divers colours, sometimes with silver, and

and it stood vpon one whole entire soote made of iuyery in the forme of a great Lyon or Leopard, &c: sometimes this table was made in the forme of an halfe moone, the one part of it being cut in with an arch or semicircule, and then it was called *Sigma*, because it did much resemble the letter *Sigma*,^a which (as it appeareth by certaine marble monuments) was in oldtime made like a *Romane C*. If any man should demand the reason why they cut their table in that forme, I must confesse that I haue not read any reason in any autor; but my coniecture is this. It is agreed vpon by all autors, that in the round tables the one quarter was reserved void fro guests, that the waiters might haue a convenient room to attend. Therevpon it seemeth not vnprobable to me, that this crooked arch was made for the waiters. Acknowledge that this *Sigma* hath bene translated diversly by diuerse writers, as it appeareth by^b *Lipsum*. By some it hath bene taken for the parlour or supping chamber; (*Lipsum* in his *Antiquities*) by others for the supper, or feast it selfe; so *Calanus* thought. By *Lipsum* since it hath bin thought a certaine place erected in manner of an hemicycle, or halfe-moone, against which they did place their beds: but *Bradens* & *Ditmarus* (in my opinion) haue more truly taken it for the table it selfe. About the table that was perfectly round were placed three beds, covered with tapestry or some other kinde of covering, according to the wealth and ability of the person: and thus *Strabo* discumbitur assis, the beds being ready furnished the guests lay downe on them in manner as followeth. Each bed contained three persons, sometimes foure, seldome or neuer more, except at their great feasts. Many times it fell out, that each guest had his bed to himselfe, whence^c *A. Gellius* saith, that the nuber of guests shoulde begin with the *Graves*, and end with the *Muses*. i. they must not be fewer then three, nor more then nine. This also hath bene the reason of that Adage. *Septem convitiis, novem convitiis faciunt*. If one onely lay vpon the bed, then he rested the vpper

^a Iust. LipC
cent. 1. ep. 65.

^b Iust. Lip. ib.

^c A. Gell. noct.
Amic. lib. 13.

^d Alex. Genl.
lib. 15. c. 51.

part of his body on his left elbow, the lower part lying at length vpon the bed; but if many lay vpon one bed, then the vppermost did lie at the beds head, laying his feet behinde the second his backe: the second rested his head in the others bosome, having a cushion put betweene, laying his feet behinde the thirde his back; in like maner the third & fourth did lie. They divided their supper into three partes; which they called their first, second, and third messe. In the first messe commonly was served mulberries, lettices, sauesages, and alwaies egges; as likewise in the last messe were served, nuts, figs, grapes, but alwaies apples: whence wee say proverbially *ab ovo ad mala*, from the beginning of the feast to the end, or simply from the beginning of any thing vnto the end thereof. The middle messe was the same supper, and the chiefe dish thereof was called *caput cana*.

• Pancirol. li.
rerum deper-
dit cap. de
cibi capiendi
modo.

CHAP. 4.

De Romanis vestibus.

WE may obserue in reading old autors, that as well the *Romanes* as the *Grecians* had diuerse distinct habits, or outward vestiments. The *Grecians* had their *Mantile* called *Pallium*; the *Romanes* their gowne called *Toga*, and by this different kinde of garment the one was so certainly distinguished from the other, that this word *Togatus* was often vsed to signifie a *Roman*, and *Palliatu* a *Grecian*.¹ *Togati pro Romanis dicti, vt Palliati pro Grecis*. Before we proceede, wee will first obserue what this *Toga* was, & then how many sorts there were.² *Toga a tegendo dicta est*. It was made commonly of wooll but according to the worth and dignity of the person, sometimes of courser, sometimes of finer wooll. As we may collect by that of *Horace*,

— Mihi sit toga, qua defendere frigus

Quamvis crassa queat.

¹ Sigon. de iur.
dic. li. 3. c. 19.
² Mic. Toxita
in orat. Phi-
lippic. 2^{am}.

• Mic. Toxita.

² We must note with *Toxita*, that no women of any credite did weare the *Roman* gowne, but insteade thereof did vse

a garment called *stola* from *stola* signifying *demitto*, *quod*
usq; ad talos demitteretur: whence old Poets, when they
 would point out vnto vs an infamous or lewde strumpet,
 they would tearme her *Mulierem togatam*. ^k This *toga* ¹ Rosin. ant.
 sometimes was worne open & vntuckt; then was it called ^{Rom.}
Toga aperta; other times it was tuckt vp, & then it was cal-
 led *toga praecineta*. This cincture or girding vp of the gown
 was according to ² Sig. de iud.
^{lib. 3. cap. 19.} *Sigonia* threefold; *Cinctura laxior*, ¹ Sig. ibid.
A- *friction*, and *Cinctus Gabinus*. *Cinctura laxior* or the loose
 kinde of girding was such, that notwithstanding the tuck,
 yet the taile trailed vpon the ground. *Cinctura a-*
frictior the close kinde of girding was such, that after the
 gowne had beene lapped or tucked vp, it should not reach
 so farre as the feet. The first kinde of these cinctures did ar-
 gue a remisse soft and effeminate minde; the latter did sig-
 nifie the promptnesse or readinesse of the person; ^m *Vnde*, ^m Sig. ibid.
Alto praecineta pro expeditis dicti sunt. Thirdly, *Cinctus Ga-*
binus was a warlike kind of girding, not so that the whole
 gown should be tucked vp about the middle, but that it be-
 ing cast quite backward, the party should gird himselfe
 with one skirt thereof. ⁿ This kind of girding was so called ^o Serv. Aene.
 from a certaine city of *Campania* called *Gaby*, because vp ^{lib. 7.}
 on a time the inhabitants of this citie being at sacrifice,
 were set vpon by their enimies; at which time they casting
 their gownes behind them and girding one lappet or skirt
 about them, went immediately to warre, even from the
 altars, and got the conquest. ^p In memory of which ever af-
 ter, the *Consul* when hee would proclaime warre girded
 himselfe in like manner. Neither had the *Consul* alone a pe-
 culiar garment when he proclaimed warre, but every soul-
 dier in time of warre did weare a different kind of garment
 from the gown, which they called *Sagum*: we may english
 it a souldiers coat. Whence *Tully* useth this phrase *ad saga-*
ire, which *Erasmus* hath paralleld with this, *Ad certamen*
sa accingere, to buckle for warre. Insomuch that *Cedant sa-*
ga toga is equivalent to that of the Orator, *Cedant arma*
toga.

* Sig. de iud.
lib. 3. cap. 19.

* Rosin. antiq.
lib. 5. c. 32.

Et toga non ta-
clas vincere
iussa nives.
Marzial.

* Rosin. antiq.
Rom. l. 5. c. 32.
* Aldus Manu-
tius. vid. Ros. lib.

* Cic. in orat.
pro Caelio.

* Sig. de iud.
lib. 3. cap. 19.

toga. Touching the difference of the *Roman* gownes I finde them distinguished by 7 *Sigonia* accordingly as fol-
loweth; in *Togam Puram*, *Candidam*, *Pullam*, *Prætextam*,
Paludamentum, *Pictam*, *Trabeam*. *Toga pura* was the com-
mon ordinary gowne worne by private men at mans estate,
not by women at al, nor children, untill the sixteenth yeare
of their age, at which time they were said *Excedere ex-
phebium* .i. to bee past striplings. Notwithstanding the six-
teenth yeare was not alwaies strictly without exception
observed; for *M. Aurelius* was permitted to weare this
gowne being but fiftene yeares old; and *Caligula* did not
weare it till the nineteenth yeare of his age. This kinde of
gowne besides that it was called *Pura*, it was also some-
times called *virilis*, sometimes *libera*. It was called *pura* in
respect of its pure white colour, being free from all admix-
tures of purple or any other colour, & therefore some have
learned it *laetivum*, .i. white; others *discolor*, void of pur-
ple. It was called *virilis*, because it was given to striplings
now growing to mans estate. Whence wee use to say of a
stripling past 16 yeares of his age, *virilem togam sumptis*,
he is now become a man. Lastly, it was called *libera*, be-
cause then they did receive some beginning of freedome,
as being about that time freed from their school-masters,
and overseers. This kinde of gowne was not made open
but sowed downe to the bottome, and also it was made
without sleeves, so that if at any time they had occasion to
use their armes, they would take vp their gowne and cast it
quite behind them, or vpon their shoulders. But these strip-
lings could not for one whole yeares space, cast back their
gownes in that manner for the liberty of their armes with-
out the imputation of immodesty, as it appeareth by *Ci-
cero*, *Nobis annus erat unus ad edhibendum brachium. toga
constitutus*. The like liberty it seemeth was denied those
that stood for places of offices; & thence is it, that *Horace*
witteth such to hire them a servant — *Lauro*
Qui fodiat lauro, & caput etiam pendens dextram
Pariter —

In which place by *pondera* is vnderstood the Romane
gowne, as *Sigonius* hath expounded that place. Now for
the vnderstanding of *Toga candida*, wee are to learne a dif-
ference betweene this *candida toga*, & the *toga pura* aboue
spoken of, which is often times called *toga alba*, both of
which were white, but differed in the degree of white-
nesse. The *toga alba* had only the naturall whitenesse of the
wool; the *toga candida* had an artificiall white die: where-
by the glasse of the white was made more orient and inte-
sue. Or else as *Sigonius* hath obserued out of *Isidorus*, *In-
tendenda albidinis causa cretam addiderant*. As they chalked
it to increase the whitenesse thereof; Whence *Polibius* cal-
leth it *togam laxamē*, that is, shining, or splendent. Moreo-
ver whereas the *alba toga* was the ordinarie Roman gowne
which commonly the *Romane* citizens did weare; this *can-
dida toga* was onely worne by those, which did *ambire ma-
gistratum*, iue for a magistracy or place of office who du-
ring the time of their suite were called from their gowne
candidatis; and *Quintilian* borrowing his metaphor from
them, hath called a young student *eloquentia candidatum*.
The third sort of gowne which I learned *togam pullam*,
was a blacke gowne, and thereof was two severall kindes;
the one cole-blacke, which was worne *luctus causa*, in to-
ken of mourning, and the mourners were thence called *A-
trati*; and as often as they did weare this gowne, they were
said *Mutare vestem*, which phrase in old autors doth sig-
nify nothing else, but to goe in mourning apparell: The o-
ther not cole-blacke, but only fouled or stained, and that
was worne *reatus causa*, in times of arraignment, & those
that wore it were called *sordidati a sordibus in veste*, from
the spots or staines in the gowne. Where wee must note,
that in proecesse of time *Toga pulla* became the ordinarie
gowne which the common people did weare; at which
time the ordinarie gown, which the citizes of better place
and estate did weare, was the *toga candida*; whereupon
there did then grow a distinction of the citizens, yknawne

* Sigonib.

7 Sigonib.

* Sigale iud.
lib. 3. cap. 19.

* Feneftella
de mag. Rom.
cap. 3.

† Pet. Pellita-
rius in orat.
pro A. Cæcin.

• Alex. Gen.
dier. l. 5. c. 18.
• Sig. de iud.
lib. 3. c. 29.
• Sigon. lib.

† Rosin. an-
tiq. lib. 5. c. 37.
• Sig. de iud.
lib. 3. c. 19.

to the former age, saith *Rosinus*, namely that some were
tearmed *candidati*, others *pullati*. *Candidati* were those, none
which became suitors for places of office (as in old time is
signified) but those which did live in better repute then o-
thers, from whence it is, that hee whose office was to read
the Emperours letters in the Senate was called *Candidatus*
principis, or *Quæstor candidatus*. It did somewhat resemble
the office of our King his Maiesties chiefe Secretary. *Pulla-
ti* were those of the commonalty or inferiour sort. The
fourth sort of gowne was the *toga prætexta*, so called, *quia
ei purpura prætexta erat*, because it was garded about with
purple filke. This kinde of gowne at the first was vsed only
by the Romane priests, & chiefe magistrates: Neither was
it lawfull for such as did weare that gowne to be arraigned,
or sentence to be giuen on them vntill that gowne was put
off. In continuance of time this *toga prætexta* was permit-
ted first to Noble mens children; afterward to all Romane
children in generall: wherevpon *Togatus à prætextato
differt, ut privatus à magistratu & vir à puero*, and *at a præ-
textata*, is taken for childhood; and *prætextati* sometimes
for magistrates, but commonly for young children. The
fifth sort of gowne was called *Paludamentum*; It was a
military garment, which none but the E. Generall or the
chiefe captaines did vse to weare. *Isidorus* saith it was not
only garded with purple, but with skarlet, and gold lace,
whence it was sometimes called *toga purpurea*, sometimes
coccinea. It was much like the habit which the Grecian Em-
perour was wont to weare, called *Chlamis*; yea now it is
called *Chlamis*; wee may english it an *Heralds* coate of
Armes. The sixth sort of gowne was called *toga picta*, & be-
cause in it were embroadered goodly pictures with needle
worker: it was also called *Purpurea*, not because of any pur-
ple gard (in which respect the *prætexta*, and the *paludamē-
tum* were called *purpurea*) but because it was all over with
a purple die. It was by some termed *toga palmata*, because
in it many palme branches being the reward and token of

victory were wrought; whence by others it was called *toga triumphalis*, because Emperours in their triumphes did weare such gownes. The last sort of gowne was *Trabea*, whereof there were ^b three severall kindes; the one woven all of purple, which was consecrated vnto the Gods; the second was purple woven vpon white, and this onlie kings & *Consuls* might weare; the third was scarlet woven vpon purple, and this the *Augures* only did weare. ⁱ This last sort was therefore called *trabea auguralis*, the second *trabea virgata*, the first *trabea consociata*.

^b Serv. Aencl. lib. 7.

ⁱ Alex. Gen. diel. lib. 5. c. 18

CHAP. 5.

De Tunica.

Those coats which were worne vnder the gowne were called *Tunica*; and that they were worne vnder the gowne it appeareth by that Adage, *Tunica pallio proprios*, i. every one for himselfe first; or according to our english proverbe, Close sitteth my shirt, but closer sitteth my skinne. ^b This *tunica* was both narrower and shorter then the gowne: at first it was made without sleeues, afterwarde with sleeues, and by it, as well as by the gowne were the citizens distinguished. The first sort of coats was made of white cloath commonly, ⁱ but purfled over and embroa- dred with studs of purple in manner of broad nayle heads; whence it was called *Laticlavia*, or *Latus clavus*; and the persons wearing this coat were Senators called thence *Laticlavij*. The second sort belonged vnto the Roman knights and it differed in making from the first, onlie that the purple studs or embroa- dred workes of this, were not so broad as the former; whence the coat was called *Angusticlavia*, or *Angustus clavus*, and the persons wearing it were called *Angusticlavij*. The third sort belonged vnto the populacie and poorer sort of *Romans*, it was made without anie purfled workes, being called *Tunicarecta*. This coate was given together with the *Virile* gowne to strip- ling; past sixteene yeares olde, and to new married wo- men.

^b Sig. de iud. lib. 3. cap. 20.

ⁱ Salmuth in Pancirol. lib. rerum deperdit. cap. de fibula.

men. And as the *stola tunica* was given with the *virile* gowne; so was the *tunica clauata* given together with the *toga praetexta*: and the *laticlavus*, otherwise called *tunica palmata*, given with the *toga picta*. The fourth and last sorte belonged vnto women, being a long coate reaching down vnto the heels; they called it *stola*. Vpon it they did weare an outward garment^m called *pallium*, and sometimes *palla*; *quia palam gestabat*.ⁿ *Sigebertus* saith, that this *palla* was a certaine gowne vsed by stage-players: howsoever certaine it is, that not onely women, but men also and children did weare this kinde of garment. Besides the *Romane* gowne & coat there remaine other parts of their apparrell to be spoken of: such are these which follow, *Lacerna*, which some do english a cloake, but *Festus* would haue it to be a little kinde of hood, which men should weare to defende themselves from the raine and weather; It was made that either side might be worne outward; & at first it was worne only in warre, so that *lacernati* stood in opposition with *togati*. *Isidorus* *Togatos pro urbanis, lacernatos pro militibus usurpatos scribit*. Afterward as we may coniect, it was made longer in manner of a cloake, for it was diuers times worne vpon their coates instead of gowns. Another kinde of garment was the *Penula*, so called *quasi pendula*, we may translate it a long hanging cloake. A third was called *Mitra*, which sometimes did signifie a certaine attire for womens heads, as a coyse or such like; though this kinde of attire was more properly called *Calantica* & other times it signified a girdle; which more properly was called *zona*; This *zona* chiefly signified a souldiers belt, or a marriage girdle: The souldiers belt was lined within in the inside, where when they went to warre, they did put their mony: whence *Horace* saith of a man that hath lost his mony, *zonam perdidit*. Young maides when they were married were wont to haue a marriage girdle tyed about their middle, which their husbände at the first night of their marriage shoulde vntie: whence *zonam solvere* hath beene translated to deu-
flowre

^m *Rosini. ant.*

lib. 5. cap. 35.

ⁿ *Sig. de iud.*

lib. 3. cap. 19.

• *Sigon. ibid.*

• *Sigon. ibid.*

flowre a Virgine: this marriage girdle in former times was called *Cestus*, from whence cometh the latin word *incestus*, and the english word Incest: which in truth signifieth all kinde of pollution committed by vndoing or vntying this girdle called *cestus*: but now in a more strict acception it signifieth onely that kind of naughtinesse, which is committed betwene two of neere kin: and that other follie which is committed with a strangers wife, is now properly called *adulterium*; & that which is committed with a maid or-widdow *stuprum*. The last thing touching their apparell is their shooes. ¹ *Calceamentorum genera duo fuerunt, calceus, & solia*: For the soale of the shoo called in latin *solia*, sometimes *crepidula*, and in Cicero his time *gallica*, was tyed on to the bottome of the foote with leather straps or buckles, and so worne insteade of shooes: the diuers kindes of these shooes did distinguish the *Romane* people also, To omit the difference in colours, wee may reduce the chiefe kindes to five heads, *Mullei*, *Vncinati*, *Perones*, *Corburni*, *Socci*. All these sort of shooes were made halfe way vp the legge, as the Turkish shooes are according to *Iosephus Scaliger*: and they were either laced close to the legge, as many of our bootes are now adates; or clasped with taches or halpes. The first sort called *Mullei* from the fish *mullus*, being like vnto it in colour, were also called from their claspes *calcei lunati*, because the claspes were made in forme of an halfe moone; which halfe-mooned claspe resembling a *Romane* C, signified an hundred; intimating thereby, that the number of the *Senators* (they onely being permitted to weare this kinde of shooe) were at first a full hundred and no more. *Vncinati calcei*, were those, which the souldiers were wont to weare. *Perones* (as we may conjecture) were laced vp the legges; for *Tertullian* making but two sort of shooes, saith there were the *Mullei* called from their claspes *lunati*, & the *perones* made without such halfe-mooned claspes, called also *calcei puri*, quoniam ex puro coloris facti; and these *perones* or *puri calcei* all the other Ro-

⁹ *Calius in orat. pro Milone.*

⁷ *Rosin. antiq. Rom. l. 5. c. 36.*

¹ *Salmuth in Pancirol. lib. rerum deperdit. cap. de fibula.*

² *Appositum nuptia laetam subest aliste.* *Iuvenal.*

³ *Salmuth, in Pancirol. lib. rerum deperdit. cap. de fibula.*

* Salmuth in *Panciroli*. lib. rerum deperdit. c. de fibula.
 * *Vid.* pag. 37.
manes did weare * with this note of distinction, that the magistrates shooes were beset with precious stones: private mens were not. Thus much concerning both the kinds & fashion of the shooes may be collected out of *Rosinus* in the place above quoted. The description and vse of the *Cothurnus* & *Soccus* may be seene in the tract * *de Romanis ludis*.

CHAP. 6.

De nuptijs & nuptiarum renunciatione.

* Salmuth in *Panciroli*. lib. rerum deperditarum c. de nuptiis.

BEfore we come vnto the solemne ceremonies vsed by the *Romanes* in their mariages, we will first shew the manner of their contracts, which were called by the *Romanes*, *Sponsalia à spondendo*; because in their contracts each did promise other to liue as man and wife. Now the manner of contracting was commonly thus: They did for the greater security write downe the forme of the contract vpon tables of record, as it appeareth by *Iuuenal.* Satyr. 16.
Si tibi legitimis patrem iunctamq; tabellis
Non es amatorum

These tables were also sealed with the signets of certaine witnesses there present, who were tearmed from the act of their sealing *Signatores*. Moreover before they would begin the ceremonies of their contract, the mā procured one soothsayer, and the woman another, with whom first they would consult. Whence *Iuuenal.*

* *Ueniet cum signatoribus auspex*. The token or signe which these soothsayers in time of observing accounted most fortunate was a crow: * *Ea enim cornicum societas est, ut ex duobus socijs altera extinguitur & vidua altera perpetuo maneat*. The man also gaue in token of good will a ring vnto the woman, which shee was to weare vpon the next finger to the little of the left hand; * because vnto that finger alone a certaine artery proceedeth from the hart. The worde *nuptia* which signifieth marriage had its derivation a *Nube* which verbe in old time signified to cover: the custome be-

* *Alex. Gen.* 13.

* *Aul. Gell.*

* *Rosin. Ant.* lib. 5. c. 37.

being that the woman should be brought vnto her husband with a vaile (called *Flammum*) cast over her face. Again because of the good successe that *Romulus* and his followers had in the violent taking away of the *Sabine* women, they continued a custome that the man should come and take away his wife by a seeming violence from the lap or bosome of her mother or her next kinne. Shee being thus taken away her husband did dissever and divide the haire of her head with the top of a speare, wherewith some sencer formerly had beene killed. This speare was called by them *hasta celebris*,^d and the ceremony did betoken, that nothing should disioine them but such a speare or such like violence. We must note that three manner of waies a woman became a mans lawfull wife: *usu, confarreatione, coemptione*. A woman became a mans lawfull wife *usu*. i. by prescription or long possessio, if that she were wedded with the consent of her overseers, and so did live with the man as with her lawfull husband a whole yeares space, *nullo interrupto usu*. i. shee being nor absent three nightes in the whole yeare from him. And some haue thought that the counterfeited violence in taking away the maide from her friends was vsed onely in this kinde of mariage. A woman became a mans wife *confarreatione*, by certaine solemnities vsed before a Pontife or chiefe Bishop, when the woman was giuen vnto the man vsing a set forme of wordes, ten witnesss being present and a solemne sacrifice being offered, at which the married couple should eate of the samme barley cake, which formerly had beene vsed in sacrifice. Which sacrifice was termed from *farre confarreatio*, and the mariage it selfe *Farracia*, and sometimes *sacra fimpliciter*; the dissolution of this kinde of mariage *Differretia*. A woman became a mans wife *coemptione*. i. by buying and selling, when the woman did vnder a feigned forme of sale buy her husband, by giuing him a piece of toine. *Per vi Romanorum lege, nubentes mulieres tres ad virum affertur solent: atq; unum quidem quous in manu tenebant, sa-*
quam

Sig. de iur.
Rom. l. i. c. 9.

^d Salmuth in
Panciroli lib.
rerum de per-
dit. cap. de
nuptijs.
^e Fr. Silv. in o-
rat. pro L.
Flacco.

^f Sig. de iure
Rom. l. i. c. 9.

^h Cic. orat.
pro Muræna.

ⁱ Sig. de iure
Rom. lib. 3. c. 9.

¹ Cic. orat.
pro Muræna.
Item. Fr. Sil. lib.

quam emendi causa marito dare; In which kind of marriage the man was not named by his proper name, nor the woman by hers, but the man was named *Caius*, & the woman *Cais* in the memory of the chaste and happy marriage of *Cais Cæcilia* wife to *Tarquinius Priscus* from whence sprang a custome among them, that the new married bride when shee was brought home vnto her husbands house, was to vse this proverbe, *Ubi tu Caius, ibi ego Cais*; by which wordes shee signified that shee was now owner of her husbands goods as well as himselfe: and therefore *Erasmus* hath expounded that saying by these words; *Vt tu dominus, ita ego domina*. If any of these ceremonies were omitted, it then was the marriage termed *Nuptia innupta*, in which sense we call our enemies gifter no giftes, *Indignus datus datus*. These ceremonies being ended, towards night the woman was brought home to her husbands house with five torches, signifying thereby the need which married persons haue of five Gods or Goddeses. i. *Iupiter, Iuno, Venus, Sualda*, and *Diana*, who often times is called *Lucina* (the reason being rendred by *Ovid*:

Dedit hæc sibi namina lucæ,

Aut quia principium tu dea lucis habes.)

² Serv. *Æneid.*
lib. 4.

The matter whereof these torches were made, was a certaine tree, from which a pitchy liquour did issue: it was called *Teda*, and thence haue the Poets figuratiuely called both the torches, and the wedding it selfe *Tedas*. When the woman had beene thus brought to the dore, then did shee annoint the posts of the dore with oyle, from which ceremony the wife was called *uxor quasi unxor*. This ceremony of annointing being ended, the bridemen did lift her over the threshold and so caryed her in by a seeming force; because in modesty shee would seeme not to goe without violence into that place where she should loose her maiden head: At her carying in all the company did cry out with a lowd voice *Talassio, Talassio*: for which custome ^m *Plutarch* allegeth many reasons; this being one. Among those who

^m *Plutarch.*
vita Pompei

ravished the daughters of the *Sabines*, there were found some of the meaner and poorer sort carrying away one of the fairest women: which being knowne certaine of the chiefe citizens would haue taken her from them, but they began to cry out that they caried her to *Talassius*, a man well beloved among the Romanes; at which naming of *Talassius* they suffered her to be caried away, the iudges accompanying hir, and often crying *Talassio, Talassio*. From whence it hath beene continued as a custome among the *Romanes* ever after at their mariages to sing *Talassio, Talassio*; as the *Greeks* did *Hymen, Hymenae*. From this custome of leading or bringing home the new married bride, cometh that comicall phrase *Ducere uxorem*, to mary a wife. Shee being thus brought home, receaved the keyes of her husbands house; whereby was intimated that the custodie of all things in the house was then comitted vnto her. ^a The ^a Alex. Gen. marriage bed was called *Genialis lectus*, as we may suppose ^{dier. lib. 2. c. 5.} *quasi Genialis*. The next day after the marriage the bride-woman receaved gifts from her friends, which the lawyers rearmed *Nuptialia dona*. ^o But *Cicero* expouideth these *dona* ^o Vid. Fr. Silv. *nuptialia*, to bee certaine tokens which the husbande sent ^{pro. Chennio.} vnto his wife before the betrothing. If after the marriage any discontent had fallen out betweene the man & his wife then did they both repaire vnto a certaine chappell built in the honour of a certaine Goddess called *Dea viriplaca* ⁷ Sig. de iure *à viris placandis*, whence after they had beene a while there, they returned friends. We having thus seene the rites and ceremonies which the *Romanes* vsed in their contracts and mariages, it would not bee impertinent to annexe the manner of their divorcements; which vpōtust causes were permitted. There were two manner of divorcements, the one between parties only contracted; the second between parties married. The first was properly called *Repudium*, in which the party suing for the divorcement, vsed this forme of words *cōditione tua nō vtar*. The second was called *Divortium*, wherein the party suing for it vsed these wordes,

Ep. fam. li. 5

Res tuas tibi habeto: vel Res tuas tibi agito, Both these kindes were tearmed *Matrimonij renuntiationes*, a renouncing or refusall of marriage. Where wee must note that instead of this verb *renunciare*, divers good autors do vse this phrase *Mittere*, or *Remittere nuncium*: As *C. Caesar Pompeia nuncium remisit*, *C. Caesar* hath divorced *Pompeia*. And alluding hereunto, *Cicero* saith *virtuti nuncium remisit*. *A. Hee* hath cast off all goodnesse, *hee* hath even divorced vertue. Secondly we must note that this verb *Renuncio*, doth not only signifie to renounce or to refuse, but many times in *Tully* it signifieth to declare or pronounce a magistrate elected, as *Renunciare consulem, prætorem, &c.*

CHAP. 7.

Quæ apparat; quibusq; ceremonijs apud veteres defuncta corpora igni tradebantur.

THE *Romans* in ancient time when they perceaved a body dying, had such a custome, that the next of the kinne should receiue the last gaspe of breath from the sicke body into his mouth, as it were by way of kissing him: (to shew therby how loath & vnwilling they were to be deprived of their friends) & likewise should close the eyes of the party being deceased: Whence *Anna* said vnto her sister *Dido* now dying

Virg. Æn. 4.

--- *Extremum si quis super balitus erras
Ora legam*---

And *Penelope* wishing that her Sonne *Telemachus* might out liue her selfe and his father, writeth to her husband in this manner *Ille meos oculos comprimat, illa tuos*. After the body had thus deceased, they kept it seaven daies vnburied, washing the corps every day with hote water, & sometimes anointing it with oile, hoping that if the body were only in a slumber & not quite dead, it might by these hot causes bee revived.

*Per calidos latices & abona vndantia flammis
Expediunt, corpusq; levant frigentis & ungunt.*

In these seauen daies space, all the dead mans friendes mett together now and then making a great outcry or shout with their voices, hoping that if the dead body had beene onely in a swoone or sleepe, he might thereby bee awaked. This action was tearmed *conclamatio*, whence when wee haue done the best we can in a matter, and cannot effect it, we say proverbially *conclamatum est*: for this third conclamation or generall outcry (which was alway vpon the seauenth day after the decease) was even the last refuge, at which if the body did not reuiue, then was it caryed to burial being invested with such a gowne as the parties place or office formerly had required. Those who had the dressing, chesting or embaulming of the dead corps were called *Palliniores*: After they had thus embaulmed the corps, they placed it in a bedde fast by the gate of the dead mans house, with his face and heeles outward toward the street, according to that of *Perfius*.

---*Tandemq; beatulum alto*

Compositum lecto, crassiq; lutatus amomis

In portam rigidos calces extendit---

This ceremony was properly called *corporis collocatio*: and fast by this bedde neere the gate also was erected an altar called in Latine *Acerra*, vpon which his friendes did e-
very day offer incense vntill the buriall. The gate in the out-
side was garnished with cypresse branches, if the dead mā
were of any wealth or note: For the poorer sort, by reason
of the scarcity of the tree, could vse no such testimonie of
their mourning. *Et non plebeios luctu testata cypressu.*

Alex. Gen.
dier. lib. 3. c. 7.

Lucina.

In these seauen daies space certaine men were appointed to provide all things in readinesse for the funerall: Which things were commonly sold in the Temple of *Libitina*,
from whence those providers were tearmed *Libitinarij*,
though sometimes this word *Libitinarium* doth signifie as
much as *caputarium* an old decrepit mā, ready for the graue.
Vpon the eighth day a certaine cryer in manner of a bell-
man, went about the towne to call the people to the solē-

Alex. Gen.
dier. lib. 3. c. 26.

¶ Rosin. antiq.
lib. 5.

¶ Alex. Gen.
diar. lib. 3.

nization of the funerall, in this forme of words: *Exequias L. Titio L. Filio quibus est commodum ire. Iam tempus est. Ollis ex adibus effertur.* After the people had assembled themselves together, the bed being covered with purple or other rich coverings, the last conclamation being ended, a trumpeter went before all the company, certaine poore women called *præfica* following after, and singing songs in the praise of the party deceased. Where we must note that none but the better sort had a trumpet sounded before them; others had only a pipe. *Senatoribus & patricijs tuba; minoribus & plebeis tibia canebara siticines;* this word *Siticines* signifying either a trumpetter or piper*, because they did both *ad sitos mortuos canere*. Again, except it were one of the Senators or chiefe citizens, hee was not caried out vpon a bed, but in a coffin vpon a beere. Those that caried this bed were the next of the kinne, so that it fell often among the Senators themselves to beare the corps, and because the poorer sort were not able to vndergoe the charges of such solemnities, therevpon were they buried commonly in the duske of the evening; and hence *a vesperino tempore*, those that caried the corps were termed *vespa* or *vespillones*. In the buriall of a Senator or chiefe officer certaine waxen images of all his predecessors were caried before him vpon long poles or speares, together with all the ensignes of honour which hee deserved in his lifetime. Moreover if any servants had bene manumized by him, they accompanied the mourners lamenting for their masters death. After the corps followed the dead mans children, the next of the kinne, and other of his friends *amici*, i. in mourning apparell. The corps being thus brought vnto their great Oratory called the *Rostra*, the next of the kinne *laudabat defunctum pro rostris* i. made a funerall oration in the commendation principally of the party deceased, but touching the worthy acts also of those his predecessors, whose images were there present. The oration being ended, the corps was in olde time caried home againe. in man-

* Suet. C. Iulii
in Cæsar. c. 6.

manner as it was brought forth:

Sedibus hunc refer ante suis & conde sepulchris.

But afterward by the law of the twelve tables it was provided, that no man besides the Emperour and Vestal Nuns should bee buried within the city; though some vpon especiall favour haue obtained it. The manner of their burial was not by interring the corps, as in former times it had beene, but burning them in a fire (the reason thereof being to prevent the cruelty of their enemies, who in a mercilesse revenge would at their conquests digge vpon the buried bodies, making even the dead also subjects of their implacable wrath.) This fire before the burning was properly called *Pyra*; in the time that it burned it was called *Rogus*, *quod tunc temporis Rogari solerent manes*; after the burning then was it called *Bustum quasi beneustum*. This *pyra* was alwaies built in forme of a tabernacle; as it is more at large to be seene; whither after the dead man had beene brought, his friends were wont to cut off one of his fingers, which they would afterward bury, with a second solemnity. The charges at funerals growing by this means to be doubled, the law of the 12. tables provided in these words *Homini mortuo ossa ne legito, &c.* that no mans finger should be cut off, except he died either in the warre; or in a strange country. Where we must obserue, that *lego* in this place doth signifie as much as *adimo* or *aufero*, in which sense we call him *sacrilegium, qui legit, i. qui adimit & auferit sacra*. After the dead body had beene laid vpon the *pyra*, then were his eyes opened againe to shew him heauen if it were possible: and withall on halfe penny was put in his mouth, they superstitiously conceiting, that that halfe penny was *naulum Charontis*, the pay of *Charon*, the supposed ferry-man of hell, who was to carry mens soules in his boare over the *stygian* lake after their dectale. About this *pyra* were first many boughes of Cypresse tree to hipdet the euill sent of the corps to be burned. The dead body being thus laid vpon the *pyra*, the next of the kin turning his

Salmuth in
Pancir. lib. re-
rum deperd.
ca. de exequiis

Servius A-
neid. 5.
Sup. pag. 300

Alex. Gen-
dier. l. 3.

face auerſe from the pyra, did kindle the fire with a torch.
After this commonly certain ſencers hired for this purpoſe
did combate each with other till one of them was killed;
they were tearmed *bustuarij* frō *bustum*. The blood of thoſe
that were ſlaine, ſerued inſteed of a ſacrifice to the infer-
nall Gods, which kinde of ſacrifice they tearmed *Inferia*.
* *Inferia sunt sacra mortuorum, qua inferis solvantur.* Anon
after the body had been burned, his neareſt friends did ga-
ther vp the aſhes & bones, which being waſhed with milk
& wine were put into certain pitchers called *urna*: whence
this word *urna* is often vſed by Poets to ſignifie a graue or
ſepulchre, as

- - *Unarequiescit in urna.* Ovid Met. lib. 4.

† Roſin. antiq.
lib. 5.

† Though properly *ſepulchrum* was in old time a vault or
arched-rooſe, rounde about the wals whereof were placed
certaine coffines called *loculi*, within which thoſe former
urna were laid vp & kept, namely two or three in each cof-
fine: Now theſe funerall ſolemnities were commonly to-
wards night, inſomuch that they vſed torches; theſe tor-
ches they properly called *ſ funalia* à *funihm cerâ circum-*
data, unde & funus d. citur. Others are of opinion that *fu-*
nus is ſo ſaid from the greeke word *φύσις*, ſignifying death
or ſlaughter. The bones of the burned body being thus ga-
thered vp, then did the Prieſt beſprinkle the cōpany with
cleane water therſe, and the eldeſt of the mourning women
called *præſica*, with a lowd voice pronounced this word,
Ilicet, thereby diſmiſſing the company, (the word ſignify-
ing as much as *Ire licet*;) Then preſently did the companie
depart taking their farewell of the dead body in this forme
of words: *Vale, vale, vale: nostro ordine quo natura permise-*
rit ſequemur. If any of theſe ceremonies had bene omit-
ted then was it tearmed *ſepultura inſepulta*, in the ſame
ſenſe as *nuptia* formerly were tearmed *innuptæ*. The old &
aged men were invited after the buriall to a feaſt, or fune-
rall banquet called *ſilicernium* à *quasi ſilicanium*, i. *carna ſu-*
pra ſilicem poſita, their cuſtome being to eate that feaſt vp-

§ Seruius in
Æneid. lib. 1.
h Hub. in Cic.
ep. ſam. lib. 4.

¶ Hier. Ferra-
rius in Cic.
orat. Philip.

h Seruius in
Æneid. lib. 5.

pra ſilicem poſita, their cuſtome being to eate that feaſt vp-
on

on an altar of stone, and because this feast was onely eaten at funerals, and by the elder sort; hence figuratiuely this worde *silicernium* doeth sometimes signifie an old creple ready for the graue. The poorer people insteede of a feast, received a dole or distribution of raw flesh: this dole was tearmed *Visceratio*. Moreover there was a potation or drinking of wine after the buriall called *Murrata* or *Murrhina potio*, which afterward the law of the 12. tables for the avoiding of expences did prohibit; as likewise for the moderating of griefe in the mourners it did prohibit the vse of this word *Lessum*, *Nēve lessum funeris ergo habento?* for that word was often ingeminated in their mourning as a dolefull eiulation, or note of inward sorrow. This sorrowing or mourning was in some cases vterly prohibited, in others limited; ^m Namely an infant dying before hee was three yeares old, should not be mourned for at all; because hee had scarcely yet entered into his life. Neither might children mourne for their fathers, or wiues for their husbands any longer then ten monthes; within which time without speciall dispensation or licence, it was not lawfull for the widdow to marry another husband. Here wee may with *Ravardus* obserue a distinction betweene *lugere* and *Elugere*. *Lugere* signified no more then to mourne some part of the time prescribed; *Elugere* to mourne the whole and full time.

¹ Antefig. in Tere. Adelph. A&.4.

^m Alex. Gen. diar. 13. c. 7.



Lib. 3. Sect. 1.

Of the Romane assemblies:

De Comitijs.



Ithervnto haue we insisted vpon the description of the most remarkable partes of the *Romane* city, together with the severall divisions of the *Romane* people, as also the *Romane* religion: where we haue seene the generall divisions of their Gods, their sacrifices, with their ceremonies therevnto belonging, and other collaterall tracts, as appendices vnto religion. Now are we to proceede to that part of government which is politicall or ciuill, where we wil first speake of their ciuill magistrates, then of so many of their ciuill lawes, as I haue observed needfull for the vnderstanding of *Tully*; & that principally in his orations: for the more easie conceiving of both I haue premised a chapter or two *De Comitijs*.

CHAP. I.

De Comitijs, idq; Calatis pracipue, & de Rogationibus.



Very assembly of all the *Romane* people, being called together by a lawfull magistrate to determine any matter by way of giving voices, is a *coeundo* termed *Comitia*, simply, without the adiection of any other worde; or *Comitia calata*, that is, assemblies called together, from *calo*, or the obsolete latin verbe *calo*, which signifieth to call; though afterward those

those assemblies onely, which were held either for the inaugurating of some pontific, some *Augur*, some *Flamen*, or him that was called *Res sacra*, or for the making of their wills & testaments were called *Calata comitia*. Whence the will that was made in these assemblies was called *Testamentum calatis comitijs*. This kinde of assembly is sometimes called *comitia pontificia* and *comitia sacerdotum*, in that sense as others are called *Cōsularia*, or *Edilitia comitia*; namely because the pontifices in these, as the *Consuls*, & *Ediles plebis* in the others were chosen. There followeth three other kinds of assemblies: for either the people did assemble themselves by parishes, called *Curia*; or by hundreds, called *Centuria*; or by wards, called *Tribus*. The first sort of assemblies they called *comitia Curia*, the second *comitia Centuriata*, the last *comitia Tributa*.^a Where by the way we must note, that that thing which was determined by the *maior* part in any parish, hundred, or ward, was said to be determined by that whole parish, hundred, or ward; & that which was determined by the *maior* part of parishes, hundreds, or wards, was said to be approved *comitijs Curia*, *Centuriatis*, or *Tributis*. Secondly we must note that neither children vntill they were seaventeene years old, nor old men after the sixtyeth year of their age, were allowed to suffrage in these assemblies, whence arose that adage *Saxoponam de ponte deiciendi*: and old men were hence called *Depontani*, for the explication of which see before. Likewise those who for some notorious crime the cōsors had disfranchised, had no authority of suffraging: They were termed *Erarii* because they did *pro capite suo tributi nomine, et prodero*. Here before we speake of three severall kinds of assemblies, we will consider the manner of their proceedings in propounding cases vnto the assemblies. The custome was at first, that the *Romanes* should bestow their suffrages *Viva voce*, but afterwarde that every one might with freer libertie give his voice, they commaunded certaine wooden tables, wherein the

^a Ioan. Tillius in orat. pro Cælio.

^b Sigon. de iure Rom. lib. cap. 17.

^c Pars putat ut ferrent iuvenes suffragia soli: Pontibus infirmis precipitasse.

^d Ovid. Fast.

^e Pag. 13.

^f Sigon. de iure Rom. lib. cap. 17.

^g Philip. Beroldus in orat. Phil. vi.

* Vid. pag. 13.

* Phil. 33.c.2.

names of those that stood for offices were written, to be carried about every suffrager receaving so many tables, as there were suitors: then did the people giue backe that table with whom they would suffrage. But if a law were to be enacted, the every suffrager receaved two tables, in the one of which were written these two great letters V. R; in the other was written a great *Romane* A. Those who delivered these tables vnto the people, did stand at the lower end of those bridges (which were erected vp for the suffragers to ascend vnto the *Ovilia*) whence they were called *diribenda*, i. from distributing *Diribitores*. At the other end of the bridges were placed certaine chests or little coffers, into which the suffragers which did approoue the law did cast in the first table; those that disliked it, did cast in the second: for by those two letters V. R. which were written in the first, is meant *Uti Rogas*, i. Be it as thou hast asked, in this word *Fiat* being vnderstood. By A. in the second table was meant *Antiqui*, i. I forbid it, the word signifying, as much as *antiquum volo*, I like the old law, I loue no innovations. The tables being thus cast into the chests, certaine men appointed for that purpose in manner of *Scrutators* (they called them *Cussores*, and sometimes *Neugenti*) did take the tables out of the chests, and so number the voices by making so many points or picks in a void table, as they found tables alike; which kind of accounting occasioned these and the like phrases; *Suffragiorum puncta non tulit septem*, and *Omne tulit punctum*; where *punctum* is vsed for *suffragium*. The voices being thus numbred, it was pronounced by the common cryer what was decreed. Because the vse of those tables is now growne quite out of vse, I shall make bold to insert that, which with much labour I haue collected out of severall autors touching these tables. It is certaine that a long time the vse of paper was not knowne, whence men were wont to write sometimes vpon the inward rinds of trees, called in Latine *Libri* (so that to this day wee call our bookes *Libri*, because in olde time they were

were made of those rindes of trees:) sometimes they did write in great leaues made of that rush *Papyrus*, growing in *Egypt*, from which we haue derived our english word *Paper*, and the latine word *Papyrus*, now signifying our writing paper; but the *Romans* at this time did vse to write in tables of wood, covered with wax, called in latine *cerae tabulae*. They wrote their wills and testaments in tables, *Hinc secundum & contra tabulas bonorum possessio*; The possession of goods either according or against the testator his will. Because of the wax wherewith these tables were covered, *cera* is often vsed in the same sense, as *Heredes prima tota. i. prima tabula & in primo gradu institui*; by which words I think are vnderstood such heires as *Alexander* calleth *Heredes ex toto asse*. i. heires to the maine inheritance, opposing them to those which did receaue only legacies, whom he calleth there *Heredes in imâ cera secundum heredes & legatarios*. ¹ *Sylvius* not vpon improbable grounds doth thinke that *Tully* doth vnderstand by *Heredes secundum*, such heires as were nominated to succeed the chiefe heire or heires if they died. They wrote their accounts in tables, hence *Tabula accepti & expensi*, signifying reckoning bookes. They wrote their statutes also in tables, whence *Tabula publica*, are englished statute bookes, or rather bookes of record. Those writings or instruments which the Senate or Emperour caused to bee hanged vp in the market place, to releafe and discharge any bankrupt from paying his debts, they termed *tabulae uerae*; we may english them letters of protection. They wrote their inventories of goods seueral sale in tables calling them *tabulae inuentionis*; yee they indited their epistles and common letters in tables, in so much that *tabulae* are expounded misliue letters, and *tabularum* which properly signifieth a carrier of tables, is now vsed to signifie a letter-carrier. ² The manner how they sealed their letters was thus: they did bind another table vnto that, wherein the inditement was with some strong thread sealing the knot of that thread

¹ P. Pellitar.
in orat. pro A.
Cecinna.

² Alex. Gen.
dier. l. i. c. i.

³ Fr. Sylvius
pro Cluentia.

⁴ Fr. Sylv. in
orat. Catilin.
a. m.

⁵ Fr. Sylv. in
orat. Catilin.

with wax, whence *Cicero* saith *Lignum incidimus*. I wee opened the letters. ¹ Lastly they wrote their bookes in tables, whence from them wee doe at this day call our bookes *codices à caudicibus*, *pandæ* signifying properly the truncke, or stocke of a tree, whereof these tables or bookes were made. We must note, withall that they wrote not with ink or quill, but with an instrument of Steele or yron, having a sharpe point at the one end, and being broad, yet keene and well edged at the other: with the sharpe point they did write what they pleased; with the broad ende they did scrape out what they had written: whence *stylus inversus* is to say and vn say a thing, to turne his punch the wrong end downward, as it were to scrape out that which one had formerly written. And as we vse this word *Stylus* to signifie the writing it selfe, according to that of *Tullius* *cognovit manum, & signum suum* so in the like sense we use this word *Stylus*, to signifie the peculiar tenure or phrase, which any man observeth in the composition of an oratio, epistle, or such like; in which sense *Tullius* saith *antibetulo gladio*, in that speech of his *Caesari* *castro, otin quilita stylus gladio*; though in another place he useth it to signify, if not a sword yet a pocket dagger, as *si meum ille stylus finisset*; in which place *stylus* doth signify as much as *pugio*. Now that wee may returne to the matter whence wee haue digressed, wee will proceed to shew the manner how they enacted their laws. At the *Romans* had not power and authority of preferring a law, but only eight of their magistrates which they called *Magistratus maiores*, namely the *Prætor*, the *Consul*, the *Dittator*, the *Interrex*, the *Decemviri*, the military Tribunes, the Kings; and the *Trinmviri*, vnto these eight was added one of those whom they called *Magistratus minores*, namely the *Triumviri Plebis*. If any of these Magistrates thought it fit to preferre a law, then did he first write it doyme at home, and consult with some lawyer, whether or no it might be for the good of the common wealth, whether it would not weaken any former

¹ P. Pellitar. in orat. pro A. Coecinna.

² Vid. Erasim. Adg.

³ Cic. orat. contra Catil.

⁴ Cic. orat. pro Muren.

⁵ Mic. Toxita in orat. Philippic. 2.

former lawe, or whether it was not formerly included in
 some other law, &c. These and many other cautions were
 to be considered, before it was preferred; yea some would
 haue the approbation of the whole Senate after the advice
 of their lawyer, though diuers times that hath been omit-
 ted. And the lawyer alone allowing it, the law was hangd
 vpon publickly in the market place for the space of three
 market daies, which kinde of publishing the law was term-
 med *Legis Promulgatio in qua promulgatio*, during which
 time of promulgation reasons were alleged *pro et contra* by
 the spectators, and all the people had so much time to con-
 sult of the convenience thereof, and every one vpon just
 reason had free liberty to admonish him that preferred the
 law, either to amend it, or to surer it the proposall. After
 the third Market day, for vnlesse it were vpon an extra-
 ordinary occasion, no assembly might be called vpon a third
 day, because of the country folkes businesse, they also
 for some of infringing the magistrats did conuict
 people to that place where the law was to be pre-
 sented, the Towne clerke or notary reading the law,
 mon cries proclaimed it, then did he which pro-
 posed it make an oration vnto the people, perswading
 that it might passe. Sometimes others of his friends
 would second him with orations in his behalfe, as likewise
 others that dissuaded it, would by orations dissuade the peo-
 ple, shewing the inconueniency thereof. After the orations
 had been ended, an vnto the people was brought vnto cer-
 taine Priests there present, into which were call the names
 of the tribes, if the committee was a tribe, or of the centuries
 if they were centuries, or of the parishes if *centuriati*, then
 for euery age, the lots being shake together, they drew
 their lots, and that tribe or century whose name was first
 drawn, was called *Tribe vel Century priorum*, a priuile-
 gium, because they were first asked their voices, that *cen-*
tria vpon which the first lot fell was called a *Principium*, be-
 cause that *centria* did first suffrage. Those Tribes, *quoniam*

1 P. Pellitar. in
orat pro A.
Cecinna.

¶ Vid. Erasim.
Adag.

¶ Cic. orat.
contra Cael.

¶ Cic. orat.
pro Muren.

¶ Mic. Toxita
in orat. Phi-
lippic. 3.

with wax, whence *Cicero* saith *Linum incidimus*. i. wee opened the letters. 1 Lastly they wrote their bookes in tables, whence from them wee doe at this day call our bookes *codices à candicibus*, *codex* signifying properly the truncke, or stocke of a tree, whereof these tables or bookes were made. We must note, withall that they wrote not with ink or quill, but with an instrument of Steele or yron, having a sharpe point at the one end, and being broad, yet keene and well edged at the other: with the sharpe point they did write what they pleased, with the broad end they did scrape out what they had written: whence *stylus inversus* is to say and vn say a thing, to turne his punch the wrong end downward, as it were to scrape out that which one had formerly written. And as we vse this word *Manus* to signifie the writing it selfe, according to that of *Tully*, *cognovit manus*, & *signum suum*: so in the like sense we vse this word *Stylus*, to signifie the peculiar tenure or straine of phrase, which any man observeth in the composing of an oration, epistle, or such like, in which sense *Tully* useth it as the *autibet* to *gladius*, in that speech of his *Cedat forū castris, otium militie, stylus gladii*: though in another place he useth it to signify, if not a sword yet a pocket dagger, as *Est meus ille stylus fuisse*: in which place *Stylus* doth signifie as much as *pugio*. Now that wee may returne to the matter whence wee haue digressed, wee will proceed to shew the maner how they enacted their laws. Altho *Romans* had not power and authority of preferring a law, but only eight of their magistrates which they called *Magistratus maiores*, namely the *Prætor*, the *Consuls*, the *Dictator*, the *Interrex*, the *Decemviri*, the military Tribunes, the Kings, and the *Triumviri*, vnto these eight was added one of those whom they called *Magistratus minor*, namely the *Tribunus Plebis*. If any of these Magistrates thought it fit to preferre a law, then did he first write it downe at home, and consult with some lawyer, whether or no it might be for the good of the common wealth, whether it would not weaken any former

former

former lawe, or whether it was not formerly included in some other law, &c. These and many other cautions were to be considered, before it was preferred: yea some would haue the approbation of the whole Senate after the advise of their lawyer, though diverse times that hath been omitted. And the lawyer alone allowing it, the law was hanged vp publicquely in the market place for the space of three market daies, which kinde of publishing the law was termed *Legis Promulgatio* quasi *promulgatio*; during which time of promulgation, reasons were alleaged *pro et contra* by the spectators: and all the people had so much time to consult of the conveniencie thereof, and every one vpon iust reason had free liberty to admonish him that preferred the law, either to amend it, or to surrease the proposall. After the third Market day, (for vnlesse it were vpon an extraordinary occasiō, no assembly might be called vpon a market-day, because of the country folks busineses, they also having free dome of infraging) the magistrate did conuocate the people to that place where the law was to be proposed: there the Towne-clerke or notary reading the law, the common cryer proclaimed it: then did he which promulged it make an oration vnto the people, perswading them that it might passe. Sometimes others of his friends would second him with orations in his behalfe, as likewise others that disliked it, would by orations dissuade the people shewing the inconueniency thereof. After the orations had been ended, an urne or pitcher was brought vnto certaine Priests there present, into which were cast the names of the tribes, if the *comitia* were *tributa*; or of the centuries if they were *centuriata*, or of the parishes if *clericali*: then *sortibus agnatis* the lots being shakē together, they drew their lots, and that tribe or centurie whose name was first drawn, was called *Tribus vel Centuria priorativa*, *aguardando*, because they were first asked their voices: that *centuria* vpon which the first lot fell was called a *Principium*, because that *curia* did first suffrage. Those Tribes, vnto whom

• Cic. pro
Murzo.

• Hubert in
lib. 1. Cic. ep.
fam. 1.

• Tacit. inst.
medic. l. 3.
sect. 1.

• Scaevola in
Flor. l. 3. c. 7.

• Cic. orat.
Philip. 3.

the other lots fell, namely the second, third, fourth, &c. were
retrained: *Tribus Surovata*. From this distinction it is that
such a man as had the voices of the prerogative tribe, or
century, is said to have: *Omnis prerogativum*: which good
fortune whosoever could attain vnto, was in great hope
of obtaining the other voices of the *Surovata*; for they
never or very seldom would swerve from the determina-
tion of the prerogative tribe or century. Whiles the peo-
ple were busie in their lottery, in the mean time if any Tri-
bune of the commons would *intercedere*. i. forbid the proceed-
ing, he might be heard, & the whole assembly therevpon
should be dismissed: likewise they were dismissed if either
he which first promulged the law did alter his opinion, or if
the *Consul* commanded supplications to be offered up in
the behalfe of their Emperour, or any of those holy daies
called *Feria Latina vel Imperativa* to be observed vpon
that day; or if any of the people assembled were taken with
the falling sicknesse (by reason whereof that disease is cal-
led by the Physicians at this day, *Morbus commitalis*): last-
ly the assemblies were dissolved by reason of the soothsay-
ings, which kind of dissolution was caused either by the
civill magistrate his observing of signes and tokens in the
heaven, and that was called *Spēctio*, and sometimes *de celo
observatio*; the very act of this observation, though no vn-
lucky token did appeare dissolved the assembly: or else it
was caused by the *Augures*, and civill magistrate promi-
cuously, whensoever any evil token was seene or heard ei-
ther by the magistrate or *Augur* (amongst which thunder
was alwayes counted the unluckiest) at which time the as-
semblies were in like manner to be dissolved: this manner of
dissolution was retrained *Obnuntiatio* or *Nuntiatio*. *Obnu-
tiabatur, qui contra auspicia aliquid fieri nuntiabat*. Both these
kinds are easily to be collected out of that speech in *Tully*
• *Nos augures nuntiationem solum habemus, consules & reli-
qui magistri ad divinos spectationem*. Here we may fitly in way
of conclusion vnto this tract, adde a just difference to be ob-
ser-

served between these phrases; *Promulgare Legem*, *Regere*, *Ferre*, & *Figere legem*. *Promulgare legem* was to hang up a law not yet asked, to the publique view of the people, to be examined by them touching the conveniencie thereof. *Regere legem* was to use a certaine oration vnto the people, to persuade the conveniencie of the law, which oration because it began with this forme of words, *Velitis, iubetis ut Quirites?*, i. O yee *Romans* is it your will and pleasure that this law shall passe or no? Hence was it termed *legis rogatio*. *Ferre legem* was when the law had beene approved of by the people, then to write it downe vpon record, and so to lay it up into the treasure-house; *Cum approbata fuisset lex, in atri-um incidebatur, & in atriis condebatur, & tunc demum lata dicebatur*. Lastly, *Figere legem* was to publish the law after it had been approved & recorded by hanging it up in tables of brasse in their market places, or at their church doores: hence it is that we use *tabulam figere* in the same sense, namely to enact or establish a law. & *refigere legem* to dis-
proue or cancell a law. And that which was determined
Comitis curiatis was termed *lex curiata*, that which was
Comitis centuriatis, *lex centuriata*, that which was
tribus was not called a law, but *Placitum*.

Fr. Maturantius in Phil. 1.

Corn. Tacit. annall. 11.

Fr. Matur. in Philip. 12.

Sig. de iure Prov. l. 3. c. 1.

CHAP. 2.

De Comitibus Curiatibus.

Comitibus curiatis were those, wherein the Roman people being divided into thirty parishes did give their suffrages: they were so called from *curia* signifying a parish. And vntill *Servius Hostilius* his time, who did first institute the *comitia centuriata*, all things which were determined by the suffrages of the people, were determined by these *curiata comitia*. But after the other two sortes of assemblies had beene established, these *curiata* were used onely either for the enacting of some particular lawes, or for the creating of some certaine Priests called *Flamines*. For the better vnderstanding hereof we must remeber, that though

though at first these thirty parishes were parts of the three Tribes (each tribe being divided into ten parishes,) yet in proceſſe of time the encrease of the *Romane* people was ſuch, that a great part of the *Romane* fields were filled with buildings & places of habitation, inſomuch that the tribes of the *Romanes* were encreaſed to thirty five: but the pariſhes (becauſe none that dwelt out of the city were tied to the rites and ceremonies of the *Romane* religion) did not encrease, ſo that the pariſhes did not alwaies remaine parts of the tribes. Hence it followeth that all the *Romanes* had not power to ſuffrage in theſe aſſemblies, but thoſe alone, who dwelt within the city: for no other could be of any pariſh. The place where theſe aſſemblies were held, was the great hal of juſtice called from theſe aſſemblies *Comitium*. Before theſe aſſemblies were helde, it was required that ſome lawfull magiſtrate for ſome competent time before hand ſhould ſolemnely proclaime them, and the thirty ſerjants (each pariſh having for that purpoſe his ſerjant) ſhould call the people together, as likewiſe three *Augures* or at leaſt one ſhould be preſent to aſſure them by their obſervations, either of the favour or diſpleaſure of the Gods. Vpon theſe premiſes the matter was propoſed vnto the people, who if they liked it, the they proceeded vnto their election; if otherwiſe they diſliked it, then did the *Tribunus plebis intercedere*, i. forbid their proceedings; wherevpon theſe aſſemblies were preſently diſſolved.

CHAP. 3.

De Comitij. Centuriatis.

AS thoſe former aſſemblies were called *Curia à curijs*, ſo were theſe called *Centuriata à Centurijs*. *Servius Tullius* cauſed a generall valuation of every citizens eſtate throughout *Rome*, to be taken vpō record together with their age; and according to their eſtates and age, he divided the *Romanes* into ſix great armies or bands which he called *Classes*; though in truth there were but five of

of speciall note: the first contained none but the poorer sort and those of no worth or esteeme. The valuation of those in the first *Classis* was not vnder two hundred pounds, and they alone by way of excellency were termed *Classici*: and hence figuratiuely are our best and worthiest authors called *Classici scriptores*, *Classicall* authors. All the others though they were enrolled in the second third, or any other *Classis*, yet were they said to bee *Infra Classen*. The valuation of the second band was not vnder leauen score pounds. The valuation of the third was not so little as an hundred pounds; of the fourth not lesse then forty pounds; of the fifth not lesse then twenty five pounds. The first contained the poorer sort, whom *Horace* calleth *Tenuis census homines*, men of small substance; and also they were called *Proletarii*, *à munere officij, prole edēda*, as if the only good that they did to the common weale, were in begetting of children: and sometimes they were called *Capite censi*, that is such as paid either very little or nothing at all towards subsidies, but only they were registered among the citizens as it appeareth by * *Sigonius*. These six great bands or armies were subdivided into hundreths called in Latine *Centuriæ*. The first *Classis* contained fourescore Centuries of footmen, and eightene of horsemen: the second contained twentie centuries of footmen, and two of workemen, which followed after to make military engins & weapons; the third also, as likewise the fourth contained twentie centuries of footmen, but to the fourth were added two other centuries of trumpetters, drummers, and such like, who vpon iust occasion did *Classicum canere*, sound the alarme and vpon iust occasion did againe *receptum canere*, sound the retreat: the fifth *Classis* contained thirtie centuries of footmen: the six or last *Classis* contained one century: so that in all the six *Classes* were contained one hundred fourescore and thirtene centuries. Where we must note that all the centuries of footmen did consist the one halfe in every *Classis* of the younger sort, who were to make war abroad

* Sig. de Rom
lib. 2. cap. 4.

upon the enemies; the other halfe of old men, who remained at home for the safetie of the city. All that hath bene hitherto spoken of these *Centuriata comitia*, may be collected out of *Sigonhus* in the place above quoted. The chiefe commander of every centurie was called *Centurio*; the rod or tip-staffe, wherewith he did strike his souldiers to keep the in aray, was called by *Pliny*, *Centurionum viris*. So then we may perceive, that those *Centuriata comitia* were those, wherein the people did give their voices by centuries, or hundreds. Now the centuries did not consist of those alone which had their places of habitatiō at *Rome*, but of certain *Municipall* states also, & such colonies or other states, that could ^d *Plenum civitatis in obsequio suffragij adipisci*.^e Now the custome in old time was, that al these centuries should march in their armour after the magistrate which assembled them, into the *Campus Martius*, there to give their voices. But this custome continued not long, for thereby they did disarme the citie, and give their enemies (if any should assaile them in time of their assemblies) the greater advantage: for their greater security therefore, they appointed a flagge to bee hanged out vpon the mount *Janiculum*, some few armed men standing there in watch & ward for the safeguard of the citie: and when the assembly was to bee dissolved, then did the watch depart, and the flag was take downe: neither could any thing after that bee determined; but if they continued their assemblies, then did they proceed to the giuing of their voices, in old time thus. Those centuries of the first *Classis* being the wealthier had the prerogative of suffraging first; and because this first *Classis* contained more centuries then all the rest, therefore, if they could agree among themselves, the other centuries were never asked their voices. This kind of suffraging being somewhat partiall in as much as the richer and wealthier being placed in the first *Classis* did over sway the elections against the poorer sort of people; thence did the after ages appoint that that century should have the prerogative of suffraging first.

^a Rosin. Ant.
lib. 6. cap. 10.

^e Rosin. antiq.
Rom. l. 6. c. 16.

first, vpon whom the lot fell. The other centuries were all called *Centuria Inuocata*, and did giue their voices not by lots (as the *Tribus Inuocata* did) but the elder & wealthier centuries did suffrage next after the prerogative century, accordingly as their place required.

CHAP. 4.

De Comitibus Tribus.

FOR the better vnderstanding of these assemblies by Tribes or wards, it will be needfull first to learne, that this word *Tribus* in this place doth signifie a certaine region, ward, or local place of the city, or the fields belonging therunto according to that, *Tribus comitia eius cum ex regionibus & locis suffragabantur*. It was so called either *a tribuendo* every severall region or quarter paying such a tribute; or *quia primores maximus fuerant*, the whole citie being at first divided only into three regions, or wardes, each nationall tribe having his severall region or locall tribe to dwell in. The first nationall tribe called *Ramenses* did inhabit the mount *Palatine*, and the mount *Calvus*, & those two hills made the first locall tribe. The second nationall tribe called *Turiones* did inhabit the *Capitol*, and the *Quirinal* mountaine, which two mountaines made the second locall tribe. The third nationall tribe did inhabit the plaine betweene the *Capitol* and the *Palatine* hill, and that plaine was called the third locall tribe. Of these tribes more is spoken in the first division of the Romane people. Only here we must note thus much, that in processe of time after the city was enlarged, and the number of the Roman citizens increased, these locall tribes were also augmented so that they amounted at the last to the number of 35, some of them being called *Prætorie*, others *Rusticæ*; *Urbana ab ædilibus, Rustica ab ædilibus utantur unguentis*. And of these two sorts the *Tribus rusticæ* were accounted the more honourable. Moreover we must remember, that a man might be removed of this or that tribe, although he

¹ Rosin. ant. 4.
Rom. 16, c. 20.

² A. Gell. 15.
cap. 17.

³ Val. pag. 11.

⁴ Sig. de iure
Rom. 1. 1. c. 3.

had no place or habitation therein. Concerning the place where these *Tribuna comitia* were had, sometime they fell out to be in the *Campus Martius*; sometimes in their great hall of iustice called *Comitium*; sometimes in the *Capitol*; many times in other places, according to the discretion of the magistrate which caused these assemblies.

CHAP. 3.

De Candidatis.

IT shall not be impertinent to annexe some necessary observations touching the *Romans* petitioners or suiters for bearing office: where we wil observe these three phrases *ambire magistratum, inire magistratum*, and *abire magistratum*. The first signifieth, to sue for an office, the second to enter into the office, the third to depart out of the office. Againe the difference of these phrases, *Conferre legitima suffragia, & Explere suffragia*. The first signifieth to haue so many voices as the law doth require. The second signifieth to haue more voices then any other competitor, but not so many as the law requireth.

† Rosin. antiq.
Rom. l. 6. c. 20.

These persons were termed *Candidati*, à *toga candida*, from the white gowne which they did weare, as appeareth more at large * where we haue spokē *De Romana toga*. That they might the easier procure the good will of the people, * these foure things were expected from them. First *Nomenclatio*, the saluting of every citizen by his name; for the better discharge of which, they had a certaine follower, which should, by way of prompting, tell every citizens name as he passed by, and hence this prompter was sometimes called *Nomenclator*, which word doth properly signifie a common cryer in a court of Iustice, such as call men to their appearance, whence they had their name from *Nomen & calo*, an old latin word to call sometimes *Mouere*; sometimes *Parer ab infaricula in aures*. Secondly, *Blanditia*, that is, a friendly compellation by the addition of some complementall name, as well met friend, brother, father

* Pag. 18.

† Rosin. Ant.
Rom. l. 7. c. 2.

ther, &c. Thirdly, *Affidavit* that is, an hote canvassing or
soliciting men without intermission. Lastly, *Benignitas*, a
bountifull or liberall largesse, or dole of money called *Congia-
rium* from the measure *Congius* containing a gallon, be-
cause their dole was at the first made of oile or wine di-
stributed in those measures. Howbeit *congruities* any dole
gift or larges in money or otherwise is called *congruaria*. The
distributors of this dole were called *divisores* & *seque-
stres*, although sometimes *sequester* signified a briber or
corrupter of a Iudge. Likewise their bounty or liberalitie
consisted in providing great dinners, and exhibiting great
shewes unto the people, &c.

¹ G. Trapez.
in Phil. 2^{am}.

^m Sig. de iud.
lib. 2. c. 29.

^a Barth. Lato-
mus in orat.

pro M. Caelio.

Lib. 3.





Lib. 9. Sect. 2. De officiis magistratuum
Of the Romane Magistrates.

CHAP. 1.

De magistratibus Romanis.

• Sig. de iur.
 Rom. l. l. c. 20.



E being to treat of the *Romane* magistrates will first see what the definition of a magistrate is. A magistrate is hee who receiveth by publique authority the charge and oversight of humane affaires belonging to the common wealth. These *Romane* magistrates

were either to be chosen only out of the better sort of *Romane*, called the *Patricij*; or else onely out of the commonalty. The first were thence called *Magistratus patricij*, the second *Magistratus plebeij*. The *Patricij* had power to hinder the assemblies of the people; namely their *Comitia* by observing signes and tokens from the heavens howbeit some of them had greater power, others lesse; insomuch that some were called *Maiores magistratus, quoniam habebant maiora auspicia*, i. e. *magis rata*. Others were called *minores magistratus, quoniam habebant minora auspicia*. Of these in their order.

• Sig. de iure
 Provinc. l. 3.
 cap. 1.

• Teneff. de
 magistr. Rom.
 cap. 1.

CHAP. 2.

De Rege & Tribuno Celerum.

I N the infancie of *Rome*, it was governed by a king untill *Tarquinius Superbus* his time, who by maintaining that shamefull act of his sonne towards *Lucretia* did so incense

cense the people, that they did not only for the present exile him, but decreed that their citie should never after that be governed by a king. This king had absolute rule & government over the city. For the safety of his person he had three hundred chosen young men alwaies to be attendant about him, much like vnto our kings Maiesties Guard here in England, or rather his *Passioners*. They were called *Celeres*, from their readinesse in assistance. Sometimes they were called *Trossuli*, because they alone without the helpe of any foote-men did take a certaine citie in Etruria called *Trossulum*. Other times they haue bene called *Flemines*, whereof as yet there hath bene no certaine reason rendred. Each hundred of them had their severall overseer called *Centurio*; and over them all there was one generall overseer and chiefe commander, whom they called *Præfatus* vel *Tribunum Celerum*, his place being next to the king. A second sort of attendants about the king were called *Lictores à ligando*, according to that, *Lictor colligit manus*. They did somewhat resemble our Serjants there being in number twelue of them. Their office was to carrie certaine bundles of birchen rods with an axe wrapped vp in the midst of them: the rods in latine were called *Fasces*, the axe *Securis*. The reason why they carryed both axes and rods was to intimate the different punishment that belonged vnto notorious and petty malefactors. The reason why they were wrapped vp together was not onely that they might be thereby more portable, but that the anger of the magistrate might be somewhat allayed, whiles they were vnbinding. Hence because these *Fasces virgarum & securium*, did betoken honour and chieftdom in place & authority, by the figure *synecdoche* this word hath bene vsed to signifie honour and dignitie, as *Fasces suis abrogatus*, he being discharged of his magistracie or dignitie.

Plutarch, in Romulo.
Plin. lib. 33. cap. 2.

Ioac. Camerarius in orat. pro Flacco.
Immediatè vulat. Ensi reciditur &c.

CHAP. 3.

De Senatu & quibus Principes Senatus, & qui Senatus
Prædix?

Touching the election of the *Senators*, the number of them, and the distinction of them into *Senatores majorum*, & *Senatores minorum gentium*, sufficient hath beene delivered * in the second division of the *Roman* people; as likewise * in the third division hath been shewne the habit or gowne, by which the *Senators* were distinguished from the *Roman* Gentlemen. Here therefore it shall be sufficient for us to vnderstand, that every Solemne meeting or consistory of these *Senators* was called *Senatus*. The foreman of them (which could be no other then such as had been either *Consul* or *Censor*, was called *Princeps Senatus*, and his opinion was alwaies first asked. Now among those that had borne those foresaid offices it was in the *Censors* power to make whom he would foreman. The decree of this consistory was called *Senatus-consultum*. And manie times it is written with these two letters only S. C. The place where this cōsistory was had they called *Senaculum*. None was ordinarily admitted into the place of a *Senator*, before the five & twenneth yeare of his age: of those that were admitted, some were allowed to ride vnto the Senate-house in a Curule chaire, others went on foote: whence these latter were called *Senatores Pedarii*. They determined their acts which they called *Senatus-consulta* sometimes by departing downe their benches, & dividing themselves into sides; those which did approve that which was proposed sided with the party who did *Referre ad Senatum*, i. propose the matter vnto the Senate; the others departed vnto the contrary side, or if they came not down at all, but sate still on the benches, then did they signifie by holding vp or beckning with their hands what side they would take. Now if the *major* part were easie to be discerned, then they rested there, tearming that act to be decreed

* Sup. p. 23.

* Sup. p. 24.

* Mart. Philo-
sophicus in Cic.
1. 2. ep. fam. 7.

* Mart. Philo-
sophicus ibid.

7 per discessionem: and hence these & the like phrases have taken their beginning, *In illius sententiam iturus sum*, and *Manibus pedibusq; discedere inalicuius sententiam*. i. to bee fully perswaded of ones opinion. Now if both companies were almost equall, so that the maior part could not easilie be discerned, then did they proceed to giue their voices, & that which was thus determined was said to bee decreed *per singulorum sententias exquisitas*. i. by voices. Here we may obserue that to those, who were favourably heard in Senate, *Hic Senatus dari dicebatur*; & likewise they were said, *Stare in Senatu*: as on the contrary they were said *La- cere*, whom the Senate neglected or rather condemned. *Cui in instanti iacens minaretur*. saith Tully. If any Senator were absent without a lawfull excuse, then was he fined, & for the payment thereof he did put in a pledge, which if he did not ransom, then did the common Treasurer *Cedere vel concidere pignora*. i. straine or seaze vpon the pledges, making common sale thereof, in which sense those two phrases are vsed, namely, *capere pignora*. & *auferre pignora*, i. to straine or seaze vpon a mans goods.

CHAP. 4.

De Consulibus.

After the expulsion of *Tarquinius Sup.* the last Roman King, all the citizens in Rome assembled, and concluded that the government of their city, which before was in the hand of one alone governour, called their King, should now be divided between two: whom at first (before there was any such subordinate office as a *Prætor*) the Romanes called *Prætors*, *quod præterent populo*. Not long after they were called *Iudices à iudicando*. In pro- cesse of time they were known by no other name then *Cōsules à consulendo populo*. No citizen, was ordinarily created *Consull* before the forty third yeare of his age. Neither might any be chosen without speciall dispensation either of their absence out of Rome, or in time of their triumph

7 Hubert. in
Cic. lib. 1. ep.

* Alcius in
Cic. l. 1. epist.
fam 4.
* Cic. orat. de
arup. respons.
* Rosin. Antiq
lib. 7. cap. 7.

* Rosin. antiq.
Rom. l. 7. c. 9.

* Cic. orat.
Philip. 5.
* Suet. Jul.
Cæs. cap. 18.

f Alex. Gen.
dier. lib. 3. c. 3.

g Fenest. de
mag. st. Rom.

h A. Gell. l. 3.
cap. 18.

i Stadius in.
Flor. l. 1. c. 5.

k I. Tili. nus.
in orat. Cic.
pro Caelio.

which was the reason that *Iulius Caesar* was glad to fore-
goe his triumph at that time, when he was *Consul* with
Bibulus. The signes or tokens of this *Consular* dignitie
were the twelue *Lictors* carying their bundles of rods and
axes f the first month before one *Consul*, & the second be-
fore the other; as formerly they had done before their
Kings. g The reason why each *Consul* had not twelue *Li-
ctors* alwaies, was because the tyranny of the *Consuls* might
then seeme to be doubled and to exceed the tyranny of the
Kings: another token was a certaine chaire of estate called
Sella curulis, i. an yvory chaire, so called from the matter
whereof it was made, and h because this chaire was com-
monly caried about in a certaine coach or chariot, where-
in the *Consul* did ride, hence from *Curru* which signifieth
a chariot, it is also called *Sella curulis*: where i note that
this word *Curulis* is sometimes vsed substantiuely, & then
it signifieth some chiefe magistracie or office amongst the
Romanes. The gowne, by which they were distinguished
from other magistrats or private men, was a certaine pur-
ple gowne, which from the great embroadred workes was
called *Trabea*, and he that did weare it was thence called
Trabeatus, according to that, *Trabeati cura Quirini*. It will
be worthy our obseruation to note, that the *Romanes* did
date their deeds and charters in old time by naming the
yeare wherein their citie was first founded; as to say *Ab
urbe condita* the twentieth, thirtieth, or fortieth yeare, &c.
But in procelle of time their manner of dating was by sub-
scribing the names of their prelet *Consuls*: as to say, such a
thing was determined *L. Valerio, M. Horatio Consulibus*,
such and such being *Consuls*. Whence *Suetonius* speaking
of *Iul. Caesar*, saith, he was appointed to bee *Flamen Dialis*,
sequentibus consulibus, i. the next yeare following. Those
alone who had borne the office of a *Consul*, not every one
that was capable thereof were said to be *Viri consulares*.
k At the first those who were created *Consuls* remained in
their office the space of an whole yeare, being *designati ad*
con-

consulatum upon the twentie fourth of October. ¹ *As con-* P. Ramus in
sulatum non inierant ante Calendas Ian. the first of Ianna- orat. Catil. 1.
 ry. The reason of this chafme, or *interim* betweene their de-
 signation vnto their office, and their entry into it, was (as
 we may probably coniect) that the competitors might
 haue sometime to enquire *de Ambitu*. i. whether there was
 no vndirect and vnlawfull meanes vsed in their canvassing.
 In proceffe of time either by voluntary resignation or de-
 position or death many *Consuls* haue beene chosen in the
 same yeare, and they were called *Nonordinarij*, & *suffecti* in Fr. Syluio
Consules. At such times all their deedes were dated by the in Cic. Orat.
 names of the two first *Consuls* which began the yeare: P. o. Muren.
 whence those two first, and likewise all those that conti-
 nued in their office the whole yeare were called *Consules* in Rosin. Ant.
Honorarij, and *Consules Ordinarij*. Rom. l. 7. c. 6.

CHAP. 3.

De Censoribus.

THE *Consuls* finding themselves encombred with so
 many businesses of a different nature, did by consent
 of the *Senate* choose two peculiar officers called
Censores à censendo; because they cessed and valued every
 mans estate, registering their names, and placing them in a
 fix century. For it did concerne the *Romanes* to knowe the
 number, and likewise the wealth of their people, to the end
 they might be informed of their owne strength, & so shape
 their course accordingly, either in vndertaking warres,
 transplanting Colonies, or in making provision of victuals
 in time of peace. A second and maine part of their office
 was in reforming manners, to which end they had power
 to enquire into every mans life. This part of their autoritie
 was noted out vnto vs by this phrase being called *Virgula*
censoria. If any one had plaid the ill husband, & neglected
 his farme, or left his vine vntrimmed, the *Censores* tooke no-
 tice thereof. They did *Senatū & Tribū mouere*. i. They did
 depose *Senatours*, and pull downe men from a more hono-

• Fenest. de
 Magistr. Rom.
 cap. 17.

¶ I. Tullius, in
Cic. orat. pro
A. Cæcinnæ.

¶ I. Camerarius
in orat. Cic.
pro Murena.

¶ Fœnest. de
Rom. magistr.
cap. 7.

¶ Pomp. Læ-
tius de Rom.
magistr. c. de
Censor.

¶ Panciroli. lib.
rerum de per-
ditarum c. de
cibi capiendi
modo.

¶ Alex. Gen.
dier. l. 5. c. 27.

¶ Pomp. Læ-
tius de mag. Rom.
c. de Censor.

¶ Panciroli. lib.
rerum. de per-
dit. cap. de cibi
capiendi mo-
do.

¶ Cic. pro
Milone.

able Tribe to a lesse honourable. They did punish *Capitis diminutione*. i. with losse of freedome: and that was three-
fold: *Maxima, Media, & Minima*. The least degree of dis-
franchising was the pulling of a man downe from an high
Tribe to a lower. *Diminutio media*, was an exilement out
of the city without the losse of ones freedome. It is com-
monly set downe in this forme of words, *Tibi aqua, & igni*
interdicto. *Diminutio maxima* was the losse of ones Tribe,
citie, and freedome. These *Censors* were reputed of the
best rancke of Magistrates in *Rome*: they remained in their
office an whole five yeares space ordinarily. I say ordinari-
ly, because through the abuse of their place, the office
hath been sometimes made annuall. That five yeares space
the *Romans* did call *Lustrum*, because they did once in e-
very five yeares revolution *Lustrare exercitum Romanum*,
by sacrifice purge the *Romane* army. Hence we say *duo Lu-*
stra, 10 yeares; *tria Lustra*, 15 yeares, &c. The performance
of this *Lustration* belonged also vnto the *Censors*: for after
the *Censors* had performed the one part of their office in
registring the iust valuation of every citizen's estate, they
did lead a Sow, a Ramme, and a Bull three times about the
army, and in the end sacrificed them to *Mars*: and thus to
purge an army, is *condere lustrum*; though sometimes *con-*
dere lustrum doth signifie, to muster an army. These sacrifici-
ces, as likewise all others of the like nature, that is, where-
in there was a Sow, a Ramme, and a Bull sacrificed, were
termed sometimes *Suævetauralia*, sometimes *Solitaauralia*,
sometimes *Taurilia*. Moreover it did belong vnto these
Censors to farme out the tributes, imposts, tallage, &c. At
the five yeares end, the acts of both their *Censors* were re-
gistred vpon bookes of record, which records were laid
vp in a certaine religious house dedicated to the *Nymphes*.
Whence *Cicero* speaking of *Clodius*, saith, *Qui adem.*
Nympharum incendit ut memoriam publicam, incensit abulle
publicæ impressam aboleret.

CHAP. 6.

De Prætoribus.

THe *Consuls* by reason of their many troubles in war, hauing no time to administer iustice vnto the *Romane* people, did for their better helpe therein create two new officers for the executing of iustice, the one to examine and iudge of matters within the citie between citizen, and citizen; the other to decide controversies betweene forreiners: The first they called *Prætor urbani*, and *Prætor maiorem*; the other *Prætor peregrinū*, & *Prætor minorem*: we may english them Lord. chiefe-Iustices. Where we must note that at the first there was onely the *Prætor Urbanus*, vntill the cases and suits in law became so many, that one was not sufficient to heare them all.^b yea at last the number of the *Prætors* came to sixteen: namely when those two were added for the providing of corne and graine: whence they were called *Prætores cereales*;^a nay there were at last eightene *Prætors*, there being two others added to iudge of controversies touching feoffmēts of trust called theſe *Prætores fidei cōmissarij*.^c *Causarū duo genera sūt; alia privata, alia publica; hæc criminosas, illas civiles appellant.* In those cases which were private. i. e. touching equity and vprightness of any act or the restitution of any mony or goods vnlawfully detained from the right owner, it belonged principally vnto the two first *Prætors* to iudge: & but vnder them vnto the *Centumviri*, who often times are called by *Tully*, *Recuperatores*, & *Iudices hæstæ*; the court *Hæstæ centumviralis*; because one of the markes and speciall enignes was a speare erected vp in the place the court was kept. Those cases which were publike or criminall, as treason, murder, buying of voices in the canvassing for offices, &c: were called also, *causa capitales*, and *capitis dimicatio*. i. h. such cases wherein if the party accused had bin found guilty hee was *capite damnatus*: by which phrase we must not vnderstand alwaies *Vltimū supplicium*,

^a Pighius & quipet. comp.

^b Alex. Gen. dier. l. 2 c. 15.

^c Feneſt. de mug. Rom. cap. 19.

^d Fr. Sylvius in orat. pro Muræ.

^e I. Saxonius in Cic. orat. pro S. Roscio.

^f Rosin. anriq. lib. 7 cap. 11.

^g I. Saxonius ibid.

^h Fr. Sylv. in orat. pro Mur.

sed aliquando exilium: quo scilicet caput i. civis eximitur a civitate. These cases at the first were heard by the kings & *Consuls*; afterward by certaine appointed therevnto by the people, being called from their inquisition *quasitores parricidij*. In continuance of time the examination and hearing of these publique cases was turned over vnto certaine magistrates, who because they were to continue their office a full and entire year (wheress the others had their authoritie no longer then they sate in iudgement) were thence for distinction sake called *Pratores Quasitores*, and the cases were termed *Quasiones perpetuae*: because in these cases there was one set forme of giuing iudgement perpetuallie to remaine; wheras in those private or civill causes the *Prator* did commonly every yeare change the forme of giving iudgement by hanging vp new edicts. Here we must note that these *Quasitores Parricidarum*, otherwise called *Pratores Quasitores*, had not the examination of all publique cases, but sometimes vpon extraordinary occasions either the *Consuls*, the *Senate*, or the people themselues would giue iudgement. Now as those former *Prators* had a speare erected vp, whereby their court for private causes was knowne; so had these *Quasitores* a sword hanged out in token of their court. *Pratorum insignia duo fuere, hasta, & gladius: illa ad inuisionem, hic ad quastionem significandam.* The officers which did attend these *Prators* were *Scribae*. i. certaine notaries much resembling the Clerkes of our Assises; their offices being to write according as the *Prators* or chiefe Iustices did bid them, taking their name *a scribendo*. The second sort were called *Accensi ab acciendo*, from summoning, because they were to summon men to their appearance. They much resembled our Bayleiffes errant. The third sort were *littores*, of which before: The authority of the vrbane *Prator* was so increased in time, yea his honour was such, that whatsoever hee commanded, it had the name of *lex honoraria*. Others are of opinion that onely the *Prators* edict was that *lex honoraria*, & the *Prator*

¹ Rosin. antiq.
l. 9. c. 18.

² Rosin. antiq.
l. 7. c. 11.

¹ Rosin. Ant.
lib. 6. c. 18.

^m Sig. de iud.
lib. 1. cap. 7.

ⁿ Fenest. de
Rom. magist.
cap. 19.

^o P. Pellit. in
Cic. orat. pro
A. Coccinna.
^p Pighius E.
quipet. comp.

For *Viburnus* being wont at the entrance into his office to collect a set forme of administration of iustice out of the former lawes and severall edicts of former *Prators*, according vnto which he would administer iustice all the yeare following. And least the people might be ignorant of the contents thereof, he caused it to be hanged vp to the publique view. This forme of iustice was tearmed *Edictum*, *ab edicendo*. i. *imperando*; because thereby hee did command, or forbid something to be done. Whence *Pollitarius* in the place now quoted doth translate *consulum edicta*, Mandatory letters, that it might be distinguished from other magistrates edicts. It was commonly called *Pratoris edictum*. And as *Pighius* observeth in the place aboue quoted, it was called *edictum perpetuum*; not absolutely, because the vertue thereof was perpetuall (for that expired together with the *Prators* office, and therefore *Tully* calleth it *legē annuam*;) but in respect of other edicts made in the middle of the year vpon extraordinary and v unexpected occasions, which latter sort of Edicts *Tully* calleth *peculiaris & nova edicta*. Afterward *Salvius Iulianus* collected an Edict out of all the old edicts of the former *Prators*, wherein almost all the whole civill law was contained and this was called properly *Edictum perpetuum*, because that all the *Prators* ever after did administer iustice according to that Edict by the appointment of *Hadrianus* being then Emperour. The edict being given out, the administration of iustice consisted in the vse of one of these three wordes; *Do*, *Dico*, & *Addico*. i. *Dat actionem*, *Dicit ius*, *Addicti tē res, quā homines*. For explanation whereof we must knowe, that this word *Addico* is. sometimes *verbum Augurale*, sometimes *Forense*, sometimes a tearme of art belonging vnto the discipline of the *Augures*, and so the birds are said *Addicere*, when they shew some good and luckey token, that the matter consulted about is approved by the Gods; the opposite herevnto is *Abdicere*. Sometimes this verbe *Addico* is a tearme of law signifying as much as to deli-

¹ P. Pellit in Cic. orat. pro A. Cæcinnâ.

² Cic. in Ver. rin. 2.

³ Cic. in Ver. rin. 5.

⁴ Sigon. de iudic. l. 1. c. 6.

⁵ I. Camerar. in Cic. orat. pro Flaccô.

⁶ M. Toxicita in orat. pro Pub. Quint.

ver

ver vp into ones hands, or into ones possession: whence we do not only call those goods that are delivered by the *Prator* vnto the right owner *Bona addicta*, but those debtors also which are delivered vp by the *Prator* vnto their creditors to worke out their debt, are tearmed *serui Addicti*: yea moreover because in all port-sales it was necessary that the *Prator* should *Addicere bona* deliver vp the goods sold: hence doth this word often signifie to sell, as *Addere sanguinem alicuius*, to take mony to kill a man, to sell a mans life. Touching the reason of their name they were called

¶ Tr. Maturus *Pratores à praeiudicio, quoniam interpretabantur*. And those alone were properly tearmed *viri Pratorii*, which had borne this office, not they which were capable thereof: in the same sense we say *Viri censorij* and *viri Edilitij*, &c.

CHAP. 7.

De Imperatoribus, Caesaribus, sive Augustis.

WHen *C Julius Caesar* had overcome *Pompey* his sonnes in *Spain*, at his returne to *Rome* the Senate welcomed him with new inveted titles of singular honor, stiling him *Pater patriae*, *Consul in decennium*, *Dictator in perpetuum*, *Sacro sanctus* and *Imperator*: all which titles were afterward conferred vpon *Octavius Caesar*, and all the Emperours succeeding desired to be called *Imperatores* & *Caesares* from him. Where we must vnderstand that this name *Imperator* was not altogether vknowne before for by that name the *Romane* souldiers were wont (even at that time) to salute their *L. General* after some speciall coquest. ¶ These *Romane* Emperours were afterward called also *Augusti* from *Octavius Caesar* whom when the Senate studied to honour with some noble title, some were of minde that he should be called *Romulus*, because he was in manner a second founder of the city. But it was at length decreed by the advise of *Maurus Planus*, that he should be stiled by the name of *Augustus*: which we may English *Soueraigne*, and they counted this a name of more reverence.

verence and maiestie then that former name of *Romulus* because all consecrated and hallowed places were called *Loca augusta*. The authoritie of these Emperours were very great, even as great as the Kings in former times.

CHAP. 8.

De Principibus inventuris Caesaribus, & nobilissimis Caesaribus.

A^{*} custome was receiued amongst the *Romane* Emperours in their life time, to nominate him whom they would haue to succeed them in their Empire: and him they called *Princeps inventuris Caesar*, and *Nobilissimus Caesar*. The like custome was practised by *Charles* the fifth Emperour of *Germany*, and so hath beene continued by his successors; namely, that one should be chosen whom they called *Rex Romanorum*, who should be so farre invested in the title to the Empire by the meanes of the present Emperour, that vpon the death, resignation, or deposition of the then being Emperour, he immediatly should succeed.

CHAP. 9.

De Prasfetto urbi.

R^{omulus} for the better government of the Citie appointed a certaine officer called *Urbis Prasfektus*, to haue the hearing of all matters or causes betweene the master and the servant, betweene orphans and their overseers, betweene the buyer and the seller, &c. Afterward in time of the *Romane* Emperours, this *Urbis Prasfektus* did assume vnto himselfe such authoritie, that hee would examine and haue the hearing of all causes, of what nature soever, if they were *Inter centesimum lapidem*, within an hundred miles of *Rome* (for *Lapis* in old time signified a mile, because at every miles end a great stone in manner of a mark-stone was erected.) In the absence of the King or Consuls, hee had all authoritie which belonged vnto them. I am not ignorant, that some doe make this

* *Rosin. ant. lib. 7. cap. 13.*

* *Despoticus in sua syntaxi.*

this latter kinde of prefecture or Lieutenantship, a different office from the former: but I should rather thinke them to be one and the same, only his authority to be more enlarged in the Kings absence, and of this opinion doe I. Rom. l. 1. c. 20. find *Fenestella*, *Alexand. Neop.* and *Sigonius*.

CHAP. 30.

De Decemviris legibus scribendis.

d Fenest. de
mag. Rom.
cap. 14.

For the better administration of iustice, the *Romans* appointed three men, namely, those who were reputed the gravest and wisest amongst them to goe to *Athens*, there to peruse the *Grecian* lawes; to the intent that at their returne, both a supply might be made of those lawes that were wanting in *Rome*, and the other which were faultie might thereby bee rectified and amended. At the returne of those three men, the *Consuls* were deposed, and both their authority and ensignes given vnto these *Decemviri*. The lawes which they brought from *Athens* were written at first in ten tables of brasse; afterward two other tables were added. At which time those lawes began to be knowne and distinguished from others by the name of *Leges 12 tabularum*. And according to those lawes iustice ever after was administred to the *Roman* people. At first by these ten men appointed therevnto, whose authority was as large even as the Kings and *Consuls*, in olde time only it was annuall: one of them only had the ensignes of honour carried before him; one alone had the authority of convoking the *Senate*, confirming their decrees and the discharge of all State businesses. The other did little differ from private men in their habite; only when the first had ruled a set time, the others succeeded by turnes. This kinde of government did not continue long in *Rome*, for in the third yeare all their power was abrogated, because of their tyranny and oppression used by them towards the *Roman* people.

* Rosin. Anr.
Rom l. 7. c. 19.

CHAP.

CHAP. XI.

De Interregia potestate.

After the death of *Romulus* & the *Senators* divided themselves into severall companies called *Decuria*, committing the government of the Kingdome to that *Decury*, i. to those ten men vpon whom the lot fell, calling them the *Interreges*: where wee must know, that these ten did not rule altogether, but each man ruled for the space of five daies, whence *Rosinus* calleth this magistracy *Magistratum quinqueduumum*. After that five daies government had passed through the first, then did they go to lots to haue a second *Decury* choien, and so a third, &c. This office of an *Interrex* remained even in the *Consuls* time, so that if by some extraordinary occasion the *Consuls* could not be created,^a then they chose one to whom alone they committed the whole government of the kingdome, and him they called *Interregem*.

^a *Rosin. lib. 6. cap. 16.*

^b *Alex. Gen. diar. l. 5. c. 6.*

CHAP. 12.

De Dictatore.

Whensoever the *Romans* found themselves encompassed with dangerous warres, or any other eminent dangers, they presently chose a *Dictator*, to whom alone was committed the authoritie and rule of the whole kingdome, differing from a King onely in respect of his name, & the continuance of his office. Touching his name he was so called, *quoniam dictis eius parebat populus*. His office continued but six moneths, and at the expiration thereof, if need required, he was chosen againe for another six moneths. He was also called *Populi Magister*, in as much as none could make their appeale from him vnto the people. As soone as himselfe was established in his office, he chose a subordinaunce officer whom he called *Equitum magister*, his authority much resembled his whom they called *Præfectum*, for as the *Præfectus urbis* in the absence of

ⁱ *Pighius in Tyrann.*

^k *Stadius in Flor. l. 1. c. 12.*

the absence of the King, so this *Magister Equitum* in absence of the *Dictator* had full and vncontrouleable authoritie of doing what he would.

CHAP. 13.

De Tribunis militum.

¹ Rosin. ant.
lib. 7. cap. 20.

^m Rosin. ibid.

ⁿ Alex. Gen.
dicr. 1. 6. c. 8.

THese¹ military *Tribunes* were of two sorts. The one had all power and authority, which belonged vnto the *Consuls*; and thence were called *Tribuni militum consulari potestate*. The occasion of them was this: The protectors of the commons called *Tribuni plebis* did earnestly labour that the commonalty might be made as capable of the Consular dignitie as the Nobility: ^m This was followed so hot, that in the end, though the Nobilitie would not grant them way vnto that dignitie vnder the name of *Consuls*; yet in effect they would grant it them. Namely the *Consuls* should be deposed, and in their stead other Magistrates should be chosen; part out of the Nobility, part out of the commonalty, who though they were not called *Consuls*, but *Tribuni*, yet were they of *Consular* authoritie: By which they were distinguished from the other sort of Military *Tribunes*, who had power and authoritie only in matters military, and were knowne by the name of *Tribuni militum* without any addition. ⁿ Sometimes there was one of these three words prefixed *Rutuli* or *Rufuli*, *Suffecti* and *Comitiati*; not thereby to intimate vnto vs any distinction of office or place, but to signify their manner of election. For if they were chosen by the *Consuls*, then were they called *Tribuni Rutuli* or *Rufuli*, because they had their authority confirmed vnto them by vertue of an act or law preferred by *Rutilius Rufus*, when he was Consul. If they were chosen by the souldiours themselves in their campe, then were they called *Tribuni affecti*, i. *Tribuni* substituted or put in the place of another. Whence we may coniect that the souldiours were not permitted to make any election, but in time of need, when their former *Tribunes* were taken from

from them by some violent or vnnaturall death. The last sort called *Comitiati*, were so called because they were chosen by the *Romane* assemblies, called in Latine *Comitia*. They were named *Tribuni*, because at the first institution of them (whether we vnderstand the Consular *Tribunes* or this latter sort) there were but three of each. In proceſſe of time notwithstanding I find the number not only of those Consular *Tribunes*, but of those other also to haue bene increased to sixe accordingly, as the thousands in a legion were multiplied. These latter sort of *Tribunes*, in respect of their militarie discipline, which was to see the souldiers being faulty to be punished, we may english *Knights Marshall*: In respect that their authoritie was over footmen only, we may english them *Seriants major*: onely this difference there was, to euerie thousand of footmen in any legion, there were as many military *Tribunes* vnder their chiefe commander called *Imperator*. But in our English armies there is but one *Seriant major*, who alone vnder the Lord Generall hath command over all the footmen, be there neuer so many thousands.

CHAP. 14.

De Triumviris Reipub: constituenda.

His tyranny of the *Triumviratus* began by a conspiracy betweene *Augustus Caesar*, *Antoni* and *Lepidus*. For these three vnder the pretence of revenging *Iul: Caesar* his death, obtained chiefe place and authoritie for the space of five yeares throughout *Rome*, pretending that they would settle the common-wealth, which at that time by reason of *Iul: Caesars* death was much out of order. Those five yeares being expired, they refused to resigne their authoritie, exercising excessive cruelty towards all the *Romanes* of what degree soever. This kind of government remained but ten yeares, neither ever were there any other then those three aboue named. They had power to enact any new law, to reverse any former Act without

¶ Feneſt. de
magiſt. Rom.
cap. 21.

¶ Suet. Octa.
Aug. cap. 27.

the consent of the *Senate* or commons. They might prescribe and banish any *Romane* at their pleasure; and as often as we reade *de Triumviratu* simply without any adiunction, or *de Triumviratu Senatus legendi*, we are to vnderstand it of this, though some vpon vn sure grounds doe disioyne them.

CHAP. 15.

De *Quæstoribus ararij*.

THIS office of the *Quæstors* seemeth not vnlike to a publique Treasurers, which collecteth the subsidies, customes, mony, yearely revenues, and all other payments belonging to any state or corporation. And hence *quoniam publica pecunia querenda propositi erant*, they tooke their name *Quæstors*: Sometimes they are called *Quæstores Urbani*, to distinguish them from the provinciall *Quæstors*, which bare office in the *Romane* provinces: Sometimes they are called *Quæstores ararij*, to distinguish them from those that were called *Quæstores parricidij*, or *verum capitalium*, of which you may see more in the Tract *de Prætoribus*. Lastly, they were called *Quæstores ararij*, to distinguish them from the *Tribuni ararij*, i. those Martiall Treasurers, or Clarkes of the band, which did receiue the souldiers pay from these city-Treasurers, and so pay it to the souldiers. The office of these city-Treasurers (then being at first but two) was to receiue all the city-accounts; to disburse at all occasions of publike expenses; to take an oath of him that the souldiers had saluted by the name of *Imperator*, that he had truly informed the *Senate* both of the number of enemies slaing, as also of the number of citizens lost: otherwise he might barre the Emperour of his triumph. Moreover, whatsoever spoiles were taken in war, they were delivered vp vnto these city *Quæstors*, and they selling them, laid vp the money in the great Treasure-house called *Aedes Saturni*.

* Fenest. de
Rom. magistr.
cap. 3.

f. Sig. de iure
Rom. l. a. c. 8.

CHAP. 16.

De Tribunis Plebis.

THe *Romane* commonalty finding themselves oppressed by the wealthier sort, departed vnto the *Monteuentine* mount, threatening the *Romane* nobility, that they would forsake their city, and never againe adventure themselves in war for the defence thereof; vlesse they did find some release and easement from those excessiue payments of vse & interest vnto their creditors: yea beside the remission of their present debts, before they would returne vnto their city again, they would haue certain magistrates chosen, which should be *Sacrosancti*. i. such as might not be hurt or violently vsed, not so much as in words: and if any had violated that law, whereby they were made *Sacrosancti*, then was he accounted *homo sacer*, i. an excommunicate person; or such an one whose soule should be vowed vnto some God; in so much that if any after had killed him, he should not be lyable vnto iudgements: *quoniam illius anima deus deuota amplius humani commercij non sit*. To these magistrates the protection of the commons was committed, who because they were at first chosen out of the *plebs*, therefore did they alwaies retaipe the name of *Tribunes*, being called that they might be distinguished from the others, *Tribuni plebis*, Protectours of the commons. At the first institution of them they were in number but 2. as some haue thought: Others say five: after ward (as it is yeelded by al writers) they increased vnto 10. Their authority at first consisted chiefly in this, that they had power to hinder any proceedings in the *Senate*, which they thought might proue preiudiciall vnto the commons: so that they had not authoritie to enact any new decrees, as afterward by abusing their authority they did. *Sed eorum auctoritas magis in intercedendo, quam iubendo*. And hence was it that in old time these protectours of the commons were not permitted to come vnto the *Senate*: but they sat with

I. Rosa. in
Epit. rerum
Rom.

Rosin. Ant.
lib. 7. cap. 13.

Alex. Gen.
dier. 16. c. 14.

Rosin. Ant.
lib. 7. cap. 13.

Pighius in
suo Tyranni-
fig.

Pomp. Læ-
tus.

Stadius in
Flor. lib. 3. c. 2.

Pighius in
suo Tyranni-
fig.

OUT

^a Rosin. Ant.
lib. 7. cap. 23.

^c Pighius in
suo Tyranni-
fug.

out at the dore, whether whatsoever was determined with
in the Senate was sent vnto them, to be perused by them,
and if they did approue it, then did they subscribe a great
Romane T being the first letter of this word *Tribuni*.^d The
houses of these Tribunes stood open night and day, as a
common refuge or place of succor for all that would come;
^e neither was it lawfull for them to bee absent out of the
towne one whole day throughout the yeare.

CHAP. 17.

De *Edilibus*, & *Præfecto annonæ*.

^f Philet. in l.
² Cic. epist.
fam. 10.

^g Alex. Gen.
dier. 1. 4. c. 4.

^h Alex. Gen.
dier. ibid.

ⁱ Pighius in
suo Tyrann.

WE may reade of three sorts of *Romane* Magistrates
called *Ediles*; the two first had their names *ab edi-*
bns curandis, hauing in their charge to repaire both Tem-
ples and private dwelling houses which belonged vnto the
city. The first sort were called *Ediles curules*, *a sella curu-*
le, from the chaire of State, wherein it was permitted them
to ride; and these were chosen^f out of the *Senators*. The
second sort were called *Ediles plebeij*, & they were added
vnto the former at the earnest suite of the commons, they
being to be chosen out of them. Where we must note that
they were not so added, that both sorts should rule at one
and the selfe same time, ^g but that the *Curules* should rule
the one yeare, & the *Plebeij* the other. To these *Ediles* it
did belong, beside the reparation of temples & privat hou-
ses, to looke vnto the weights and measures in common
sale: for they had power to examine *Actiões redhibitorias*,
that is, such actions, by vertue of which, he that had sold a-
ny corrupt or sophisticated wares, was constrained to take
them againe. Moreover, they had the charge of the pub-
like conduites or water conveyances, of provision for so-
lemne playes, &c. Of the third sort there were also two,
who were in a manner *Clarks* of the Market. ^h For vnto
them belonged the looking vnto the victuals sold in the
market, and corne: Whence they were called by them. *Ed-*
iles cereales; & ⁱ by the *Greekes* *ἀγοραῖοι*. This office, for
ought

ought that can bee collected out of those that treat of it, differeth but little from his, who the *Romanes* called *Annana Praefectum*; onely this, the *Aediles Cereales* were *Magistratus ordinarij*, the *Praefectus extraordinarius*, namely, such as was chose only in time of extraordinary dearths; he having for that time larger authority, then those ordinarie clarkes of the market. For as it appeareth by *Rosinus* in the place now quoted, this *Praefectus* had power of himself to examine all such cases or questions as should arise touching the dearth: as suppose wee hoarding of corne, forestalling the market, &c.

CHAP. 18.

De Triumviris.

BEsidies the *Triumviratus Reip. constituenda*, of which we spake before, there were divers kindes of *Triumvirates*; namely *Triumviri capitales*; three high Sheriesses, who had the charge of prisons and were to see malefactors punished: for which purpose eight *Lictors* did attend the. There were also *Triumviri Mensarij*, three men, we may tearme them Bankers, who had autoritie to pay out of the common treasury poore mens debts. Sometimes there were appointed five to this office, whence they were called also *Quinquenviri Mensarij*, both being called *Mensarij* from *Mensa*, a table, whereon they told their money. Another sort of *Triumviri* there were appointed to presse souldiers, whence they were called *Triumviri conquirendi iuvenes idoneos ad arma ferenda*. Wee read also of certaine *Triumviri*, which were elected as chiefe captaines to guid and conduct the people in transplanting colonies; and thence were they named *Triumviri Colonia deducenda*: but sometimes for this purpose they elected seaven, ten, or twentie, and so named them *Quinquenviri*, *Septenviri*, *Decenviri*, and *Vigintiviri Colonia deducenda*. Three other sorts of *Triumviri* remaine, which were offices of small account; as the *Triumviri monetales*, three Masters

[†] Alex. Gen.
dier. l. 3. c. 16.

^m I. Camerar.
in orat. Cic.
pro Flacco.

of the Mint, who theretoe were called *Triumviri A. A. A. F. F. i. Auro, Argento, Aere, Flande, Feriundo*; for they had the charge of coyning the mony. Secondly, *Triumviri valetudinis*, Three Pest-men, which were to oversee those that lay infected with any contagious sicknesse. Thirdly, *Triumviri nocturni*, three Bell-men which were to walke the towne at night, and to giue notice of fire.

ⁿ Alex. Gen.
dier 13. c. 16.

CHAP. 19.

De praelectis Avarij.

Augustus Caesar desiring for the better safetie of the citie to maintaine many bands of souldiers, which should alwaies bee in readinesse for the defence of the citie, desired of the citie a yearly subsidie for the maintenance of those souldiers: but being denied it, hee built a certaine Treasure-house, which hee called *Avarium militare*, whereinto he cast his mony for himselfe, & Tiberius, and promised to doe so every yeare. Afterward when hee saw the Treasury not to be enriched enough, either by that mony which himselfe bestowed, or by the contributions of others, he appointed that the twentieth part of all inheritances and legacies (except it were to the next of the kin, or to the poore) should fall vnto this Treasurie. For the charge & custody hereof he appointed three of those souldiers, which alwaies attended about him for the safeguard of his person, calling them *Praelecti Avarij*.

CHAP. 20.

De Praefecto pratorio.

ALL Captaines and governours to whom the ru'e of an army belonged were in ancient time called *Prætores*; This word *Prætor* signifying then three chiefe officers among the *Romans*: First a *Consul*; secondly a *L. chiefe Iustice*; thirdly a *L. Generall in warre*; all of them being called *Prætores, quasi Prætores quoniam iure & exercitū præbant*. Answerable to which threefold acception this

• Pancirol. in
notitiam im-
per. orient.
cap. 5.
Pighius in
Æquipet.
compol.

this word *Prætorium* hath three severall significations: sometimes it signifieth a Princes palace or manour house; sometimes a great hall or place where iudgment was wont to be given; and lastly the L. Generall his pavilion in the campe; from which last signification it is that those souldiers that gaue attendance about that pavilion for the gard *Verrinam* 3. of their captaines person are sometimes called *Milites Prætoriani*, sometimes *Cohors prætoria*; and hee to whom *Fr. Sylvius* the oversight of these souldiers was committed was thence in *Catli. 2. am.* called *Prætoris præfectus*.

CHAP. 21.

De Advocato fisci.

FOR the right vnderstanding of this office wee must first note a difference betweene these two wordes, *Ærarium*, and *Fiscus*. *Ærarium* was a common treasury belonging vnto a whole state or corporation, whence all publike and commo expences are to be supplied. *Fiscus* was the Kings or Emperors private coffers: it may be Engliſhed the Kings Exchequer. The keeper thereof was called *Advocatus Fisci*. There are many other petty offices within the citie, which I haue purpoſely omitted, becauſe there is but ſeldome mention of them in old autors; and as often as they are mentioned, their names doe explaine their office.

CHAP. 22.

De præcipuis magistratibus provincialibus.

OVER the Provinces at firſt ruled certaine magiſtrats ſent from *Rome* by commiſſion from the *Romane* Senate, called *Prætores*, whoſe office was to adminiſter iuſtice vnto the provinciall inhabitants: yea, and if occaſion ſerved, to make warre alſo vpon their enimies; & this was the reaſon that the number of the *Prætors* did ſo increaſe alwaies, namely accordingly as the number of

Provinces did encrease. The warres and tumults in the Provinces sometimes were so great, that the *Prætor* was not sufficient both to manage warre and execute iustice: whereupon the *Senate* thought fit to send another magistrate into the Provinces, whom they called a *Consul*, because properly the managing of warre belonged vnto the *Consul*. So that there were at first two ordinary Provinciall magistrates, a *Consul* to manage warre, and a *Prætor*, or L. chiefe Iustice to sit in iudgement. And if these two by a second graunt from the *Senate* did continue in their office about the space of an yeare, then were they called *Proconsules*, & *Propratores*. But in processe of time this custome was altered. For then none could bee *Proconsuls*, but those alone who had beene *Consuls* in *Rome*; neither could any be *Propratores*, which had not beene *Prætors* at *Rome*. Their manner being, that the next yeare after the expiration of their offices in *Rome* they should departe into some certaine province to beare the same offices againe being not called *Consules* or *Prætores* as before, but *Proconsules* & *Propratores*; and for this cause alwaies, so soone as the *Consuls* had beene created, the *Senate* did appoint certaine Provinces for the *Consuls*, which being appointed the *Consuls* did either agree betweene themselves, who should go to the one, who to the other; and that was tearmed *comparare provincias*; or else they did decide the question by lots, and that was tearmed *sortiri provincias*; howbeit sometimes the *Senate* did interpose their authority, and dispose the same. Vnder the Emperours the governours of some Provinces were appointed by the *Senate*, & the people, and those were called *Proconsules*, and the Provinces, *Provincia Consulares*, others were appointed by the Emperours, and they were called *Propratores*, and the Provinces *Prætorie Provincia*. For all this, which hath bin noted touching the Provinciall Magistrates, it is almost *verbatim* translated out of *Rosinus*. To which we adde this, namely that every *Proconsul* and *Proprator* did usually

¹ Alex. Gen.
dier. lib. 3. c. 3.

² I. Camerar.
pro L. Flacco.

³ Rosin. Ant.
lib. 6. 14.

ly choose a Lieutenent such a one as should bee assistant vnto him in matters of government, whom they called *Legatum*. So that this word *Legatus* signified three severall *Magistrates* amongst the *Romans*, two whereof may be proved out of *Sigonius*; first that it signified such a Lieutenent or L. Deputy vnder a *Proconsul* or *Proprator* in a Province; secondly, that it signified such a one as is imployed in the delivery of a message or embassage from one Prince or State to another: we commonly call them *Embassadors*. Lastly it signified a Lieutenent or chiefe captain in warre, whose place was next vnder the L. General. Moreover every *Proconsul* and *Proprator* had with them certaine Treasurers, called *Quaestores Provinciales*. These provincially treasurers were chosen by the *Romane* people commonly, namely such a number as the number of Provinces did require. After the election they betweene themselves did cast lots who should go vnto the one, who vnto the other Provinces: sometimes extraordinaryly by vertue of speciall Act or decree this or that speciall man hath obtained this or that Province without any lottery. By the way we must note, that all Provincially *Quaestors* could not be called *Proquaestores*, as all Provincially *Consuls* and *Prators* were called *Proconsules* & *Propratores*. For these only were called *Proquaestores*, which did succcede these Provincially *Quaestors*, when they did either die in their office or depart out of the Province, no successor being expected from *Rome*: at which times it was lawfull for the *Proconsul* or *Proprator* to choose his *Proquaestor*. Moreover there were beside these *Legati* & *Quaestores* other military officers; such as are the *Tribuni militum*, *Centuriones*, *Præfetti*, *Decuriones*, together with other inferiour officers, as their Secretaries, Bayliffes, Cryers, Serjants, and such like.

* Pomp. L. 1.
tus de magist.
Rom.

* Sig. de iure
Prov. l. 2. c. 2.

* Rofin. Ant.
Rom. l. 10. c. 7.

* Sig. de iure
Prov. l. 2. c. 3.

* Sig. ibid.

* Rofin. ant.
Rom. l. 7. c. 45.

* Sig. de iure
Prov. l. 2. c. 3.



Lib. 3. Sect. 3.

Of the Roman Lawes.

CHAP. I.

De Legibus.



• Sig. de iud.
lib. 1. cap. 7.

• Fr. Sylv. in
oraz. pro Mil.

• Fr. Sylv. in
epist. virorum
lib. 1. cap. 11.

Aving spoken of the civill Magistrates, wee will now also descende vnto the civill law: where first we will note among other differences betweene *Ius* and *Lex* principally these. First *Lex* signifieth only the law, but *Ius* signifieth also that place, where soeuer the law or iustice was administred; not only if it were administred out of the tribunall in the *Comatio*, or great hall of Iustice, which was tearmed by the lawyers *Agere pro Tribunali*: but also if it were administred in a private house, or in ones iourney; so that it were by a lawfull Magistrate, and out of the curule chaire; and this was tearmed by the Lawyers, *Agere de Plano*: and hence is it, that *In ius vocare* signifieth to cite one into the court. Secondly *Lex* signifieth onely the writtē law, but *Ius* signifieth equitie; so that *Ius permaneat semper, nec unquam mutetur: Lex vero scripta sapit*. Notwithstanding these two words are vied promiscuously, one for the other; & therefore leaving all curious differences between those words (whether the *Romane* lawes were truly *Iura* or *Leges*) thus much wee may obserue, that the lawes vied among them were of three sorts: either they were such as were made by severall *Romane* kings, and afterward collected & digested into a method by *Papirius* from whom it was called *Ius Papirianū*:

or

or they were such as the *Decemviri* brought frō *Athens*, and were called *Leges 12 tabularum* or lastly they were such as the *Consuls*, the *Tribuni Plebis*, & such Magistrates did present; whence every severall law bore the name of him or them that preferred it. My purpose is to explain only this latter sort, and that not all of them, but such alone as I have observed in *Tully*, and that chiefly in his orations. My proceeding shall be first to shew the diverse kindes of iudgements; and then to descend vnto the lawes themselves, beginning with those which shall concerne the *Romane* religion, and then proceeding to the others, which concerne the common wealth.

CHAP. 2.

De Iure publico & privato.

THe Cases to be decided by the law were either public like or private; & accordingly were the iudgements, ^{a Sig. de iure}
^{d Vet privata, in quibus ini suum privatus quisq. perse-} *Rom. l. 2. c. 18.*
quebatur: vel publica, in quibus iniuria qua reip. sacra
vindicabatur. The private (as we observed before) belonged
vnto the *Pratori urbano & peregrino* .i. the *L.* chiefe iustices, who did either give iudgement themselves, and then
were they said *Iudicare*; or they did appoint others to sit in
iudgement, and then were they said *Iudicium dare*: Yea
in their absence there were ten called *Decemviri Stitibus*
iudicandis. i. ^{f Super lites iudicandas}, who in the same man-
ner, as the *Prator*, might either give iudgement themselves,
or appoint others; for they were even in one place and in
stead of *Prators*. Those which either the *Prator* or the *Decemviri*
did appoint to debate the cases vnder them, were
taken out of the *Centumviri*. i. out of certaine Commis-
sioners chosen for that purpose; namely three out of every
Tribe or ward; so that in all the number, of them amounted
vnto an hundred and five, but in round reckoning they
went for an hundred; and from a certaine speare that was
wont to be erected vp in token of this court, hence was the
Court

^{a Sig de Iud}
^{lib. 1. c. 7.}

^{f Rosin. antiq.}
^{l. 7. c. 29.}
^{g Alex. Gen.}
^{dier. l. 3. c. 16.}

^{b Pet. Ramus}
^{in 2^a de le-}
^{ge Agrar.}

¹ Sig. de iud.

lib. 1. c. 18.

^k Sig. de iud.

lib. 1. cap. 29.

^l Cic. pro

Quin. Roscio.

^m Rosin. antiq.

lib. 2. c. 18.

ⁿ Sig. de iud.

lib. 2. c. 4.

^o Sig. de iud.

lib. 2. cap. 6.

^p Sig. ibid.

^q Sig. de iur.

Rom. 1. 2. c. 12.

ⁱ Court called either *Prætoris Decemviralis*, or *Centumvialis* *basta*. In some cases their forme of acquittance was thus, ^k *Secundum illum litem de*; whence ^l *Tully* saith, *Quominus secundum eos lit. datur, non recusamus*. i. wee doe not deny, but they may be acquitted. Those that were cast in their suit, were said *Lite vel causa cadere*. The publique Cases belonged ordinarily (except the *Consuls*, the *Senate*, or the people did interpose their authority) vnto those who we called *Prætores Quæstiores*. Some haue ^m thought them to be the same with those, whom *Rosinum* calleth *Iudices Quæstionum*, and that I thinke not altogether vpon vnsecure grounds: thus because most of these publique cases, which they tearmed *Quæstiones*, had their ⁿ severall *Prætores* to enquire them; whence they were called *Quæstiores*, & may in my opinion be called *Iudices Quæstionum*, especially seeing that those which would haue them bee different officers, cannot well shew the difference of their offices. Now as the *Urbanæ Prætor* had an hundred. cōmissioners vnder him: so had these *Prætores Quæstiores* certaine Iudges chosen ^o by the *Urban* or *forreigne Prætor*, when he tooke his oath, and that not according to his pleasure as many as hee would, or whom he would, but sometimes more, sometimes fewer, sometimes only out of the *Senators*, sometimes only out of the order of *Romane* Gentlemen, sometimes out of both; sometimes also out of other orders, ^p according as the law appointed, which oftentimes varied in those points. The Iudges how great soever the number was, ^q were called *Iudices selecti*, and were divided into severall companies called *Decuria*. These iudges were vpon any citation frō any of the *Prætors*, to give their assistance in the Court vpon the day appointed by the *Prætor*. Now the manner how they did proceed in their iudgement followeth in the exposition of one of the lawes, and therefore I will referre the reader thither. Onely let him by the way vnderstand, that whereas *Tully* is quoted in every law, it is not so much for the prooffe of the law, as to signifie, that he in that place

ma-

make mention thereof. For the prooffe of the lawes I re-
ferre the Reader to *Rosinus* and *Argentinus* touching the ex-
positions my marginnall quotations doe proue sufficiently.

CHAP. 3.

De Legibus religionem spectantibus.

Lex Papiria.

L *Papirius Trib. Pleb.* established a law touching the Cicero Do-
consecration or hallowing of places, that it should no-
bee vnlawfull for any to consecrate either houses,
grounds, altars, or any other things *Intussuplebis*. i. with-
out the determination of the Roman people in their assem-
blies called *Comitia Tributa*, which determination was al-
waies termed *Plebiscitum*.

Roscia Lex.

L. Roscius Orto Trib. Pleb. preferred a law, that whereas
heretofore the Roman Gentlemen did stand promiscu-
ly with the Commons at their theatrall shewes, now there
should bee foureteene benches or seats built for those Ro-
mane Gentlemen which were worth *H. S. quadringenta*. i.
about 1000 of our English mony. As for other Gentlemen
whose substance was vnder the rate, they had a certaine
place allotted them by themselves, with a punishment im-
posed vpon them, if they offered to come into any of those
14 benches.

Cic. Philip. 3.
Item pro
Murza.

Hence we must note that this character *H-S* standeth for
a silver coine in Rome called *Sestertius*, and is by *Rosinus* in
this place improperly called for *Sestertius*. For this charac-
ter *H-S* is by our Printers false printed, the true character
being *LL-S* signifying *duas Libras* (as the two *LL*
doe intimate) and *Semissem*, which is intimated by the
letter *S*. Where if *Libra* doth signify no more then the Ro-
mane coyne called *AS*, then is this opinion touching the
character *LL-S* easie to be confirmed. For diuers authors
rendring a reason of the name *Sestertius*, say it was so cal-
led

Fe. Mar. in
Philip.
Chr. Hegen-
dorphius in
Verrinam 2.

led *quasi Semiterilis*, i. such a coyne as containeth *Duo solidos asses & semissem*. This *Sesterilis*, was such a common coine among the *Romanes*, that *Nummus* and *Sesterilis*

1 P. Nannius
in Verrin 3.
2 Ch. Hegandorphius in
Verrin, 5^m.

became at length one to be vsed for the other. *Mille huiusmodi sesterilis vel nummi faciunt unum sestertium in nostro genere, & conficiunt plus minus viginti quinque coronas*. According to which rate *quadringenta sesterilis* amounteth to 3000^l: and every particular *Sestertium* is according to this rate, in value about three halfe-pence farthing q.

Clodia lex.

Cic. pro Sex-
tio item de
Arulph. respon.

Publius Clodius Trib. Pleb. made a law, by vertue whereof the priest called *Pessimumus sacerdos* (from the place where he did first exercise those holy rites in the honour of the mother Goddesse) should bee deprived of his Priesthood, and the Temple built in the honour of this Goddesse should be bestowed vpon *Brotigarius* of *Gallia-Gracia*.

Domitia lex.

Cic. Agrar. 3.

Cn. Domitius Ahenobarbus Trib. Pleb. enacted a law, that the Colleges of Priests should not as they were wont, admit whom they would into the order of Priesthood: but it should be in the power of the people. And because it was contrary to their religion, that Church-dignities should be bestowed by the common people, hence did he ordaine that the lesser part of the people, namely seventeene Tribes should elect whom they thought fit, and afterward hee should haue his confirmation or admission from the Colledge.

Lex incerti nominis de vacatione sacerdotum.

Cic. Philip 8.
& pro Font.

Cicero in his Orations mentioneth a law (not naming the author thereof) whereby the Priests were privileged from their service in all waies, except onely in vproares, or civill tumults. And these privileges were termed *vacationes*.

3 B. Latomus
in Philip. 7.

CHAP. 4.
De Civitate, & iure civium Rom.

Porcia lex de civitate.

M. Porcius Trib. Pleb. established a law, that no magistrat should beate any *Romane* citizen with rods.

Lex Sempronia.

C. Sempronius Gracchus Trib. Pleb. preferred a law, whereby he disabled the magistrates from punishing any *Romane* citizen, either with rodde, or with his axe. i. with death, without the allowance of the people. Secondly by vertue of this law, if any magistrate did condemne any *Romane* citizen *Indicta causa*, he should be liable to the iudgement and censure of the people. A third clause to this law was, *Ne quis coiret, coventret, quo quis indicia publico cit. uventretur Indicta causa*. He was said to be condemned *causa indicta*, which was condemned before he had spoken for himselfe. Although *Indicere pro non dicere, sicut & invidere pro non videre vix reperiantur; tamē indictum & innotum, pro non dicto, & non viso sepe reperiantur.* They were properly said *Coire*, which did worke vnder hand against a mā, that he might be condemned; we may translate it in this place, to *Conspire.* The verbe *Circumvenio* doeth commonly signifie as much as *Circumscribo*, to deceiue or cheat one: but in this place, to oppresse one with false iudgment procured by bribery or confederacy.

Lex Papia de peregrinis.

The priviledges of the *Romane* citizens became so great that almost all the inhabitants of the confederate nations, would forsake their owne dwellings, & vie meanes to become free denisons in the *Romane* city; insomuch that the Embassadors of the Allies, & associates, did grieue much and complaine of the losse of their inhabitants: whereupon a law was made by *Papius*, that all forreiners and strange commers should be expelled out of the city. To the same effect was *Lex Iunia*, and also *Licinia Mutia de peregrinis*:

Cic. pro Rabir. & sapientia.

Cic. pro Cluentio, & sapientia.

P. Rattus in orat. pro Rabirio.

Fr. Sylv. in orat. pro Cluentio.

L. Camerac. in orat. Cic. pro L. Flacco

Fr. Sylv. in orat. pro Cluentio.

Cic. pro salbo

Cic. offic. 13.

the first being preferred by *Mur. Tinnius Pennus*: the second by *L. Licinius Crassus*, and *Q. Mutius Scavola*.

Servilia lex de civitate

Cic. pro Balbo *C. Servilius Glaucia* preferred a law, *Ut si quis Latinus*, If any of the Latine associates could proove an action of bribery against a *Senator*, then should he be made a free-man of the city.

* *sig. de iure*
Ital. l. c. 2.

Quis Latinus Here we will observe with ** Signonius*, that the Latine people were not alwaies called *Latini & Italici*: *Sed & socij, & Latini socij; & socij nominis Latini, et socij nomenq. Latinum, & socij ab nomine Latino, & socij ac Latium dicti sunt.*

Sylvani & Carbonis lex de Peregrinis.

Cic. pro Archia,

Silvanus and *Corbo* being *Tribuni Pl.* preferred a law, *ut qui federatis civitatibus adscripti essent, situm, cum lex ferebatur, in Italia domicilium habuissent, ac sexaginta diebus apud prætorem professi essent, cives Romani essent.*

* *Fr. Sylv. in o*
rar. pro lege
Manil.

Adscripti. For the right vnderstanding hereof, wee must note, that there were ^d two sorts of citizens; some *cives nati*. i. citizens by birth; others *civitate donati*. i. citizens by donation, or gift: who because they were added vnto, and registred with the first sort of citizens, were thence called *Adscripti cives*.

* *P. Ramus in*
or. Cic. Agrar.
2.

Professi apud Prætorem. This verbe *profiteri* is sometimes *Comitale verbum*, and signifieth as much as *profiteri nomen*. i. to tender ones name vnto a magistrate: and this construction it beareth in this place.

Cornelia de Municipijs.

Cic. pro Domo.

L. Cornelius Sylla preferred a law, that al *Municipall* states should loose their freedome in the *Romane* city, and also their privilege of having commons in the *Romane* fields.

Gellia Cornelia lex.

Cic. pro Balbo.

L. Gellius Publicola, and *Cn. Cornelius Lentulus* being *Consuls* decreed a law, that all those private persons vpon whom *Cn. Pompeius* in his wisdom should bestow the freedome of the *Romane* citizens, should ever be accounted free denisons.

De legibus ad comitia spectantibus.

Alia lex.

Q. *Alius Papius* asked a law in time of his Consulship, *ut quoties cum populo ageretur*, i. as oft as any Roman magistrate did assemble the people to giue their voices, the *Augures* shoulde obserue signes and tokens in the firmament, and the magistrates should haue power *abnuuntiandi*, & *intercedendi*, i. to gaine say and hinder their proceedings.

Ageretur cum populo. Here we may note the difference betweene these two phrases, *Agero cum populo*, and *Agero ad populum*. He was said *Agero ad populum*, whosoever made any speech or oration vnto the people, & this might be done vpon any day indifferently: But then onely was it said *Agi cum populo*, when the people were assembled to the giuing of their voices by a lawfull magistrate, and this could not be done, but vpo one of those daies, which they called *Dies Comitiales*.

Enfa lex.

Pub: Eurius son *Fufius Philus* being Consul ordained a law, that vpon some certaine daies, although they were *dies Fasti*, i. Leet-daies, yet no magistrate should summon an assembly.

Clodia lex.

P. Clodius Trib. Pl. abrogated both those former lawes, making it vnlawfull to obserue signes & tokens in the heauens, vpon those daies when the Roman people were to bee assembled: And secondly, making it lawfull to assemble the people vpon any Leet-day whatsoever.

Gabinia lex.

At first for many yeares the Roman people in their assemblies did suffrage *Vir & uxor*, at which time many of the inferiour sort, gaue their voices contrary to their wils, fearing the displeasure of those that were of higher place. For the better help in this point, *Gabinus* asked a law, that the

people in all their elections might not suffrage *Pro voce*, but by giving vp certaine tablets, the manner wherof hath beene formerly shewen: whence both this, and all other lawes tending to this purpose haue beene called *Legis tabularia*.

Cassia lex.

Cic. in Lelio. After *Gabinium Cassius* also preferred a law, that both the Iudges in their iudgements, and the people in their assemblies should suffrage by sending such tablets: ^a but this is to be vnderstood only of those assemblies by wards called *Comitia Tributa*: wherein they treated of mulcts and mergements.

^a Rosin. antiq. lib. 8. c. 3.

Caelia lex.

Cic. 3. de leg. *Caius Trib. Pl.* established a law, that not onely in mulcts and mergements, but also *In perduellionis indicio*. i. in taintments of treasons against any person of state (namely such as were *sacrosancti*) or against the common weale, this *Tabellary* liberty should haue place, when the people should iudge thereof.

¹ Caelius Sec. Curio. in ora. pro Milose. ² Sig. de iud. lib. 3. cap. 3.

In perduellionis ind.] ¹ This word *perduellio* doth signifie an enemy vnto the state, a traytour: & hence commeth this word *perduellio*, signifying not onely the crime of treason, but the punishment also due therevnto, ² *Si crimen quoddam erat gravissimum inter crimina, nempe in iuncta maiestas: si poena, qua erat acerbissima, nempe mortis.*

Papiria lex.

Cic. de leg. 3. *C. Papirius Carbo Trib. Pl.* perswaded, that not only in their elections, but in the proposall of their lawes also, this suffraging by tablets should be vsed.

Sempronia lex.

Cic. in iuris in locis. *C. Sempronius Gracchus Trib. Pleb.* preferred a law, that the Associates of *Latium* should haue as great right of suffraging, as the *Romane* citizens.

Manilia lex.

Cic. pro Mar. *C. Manilius Trib. Pl.* preferred a law, that all those who were *Libertini*, in what tribe or Ward soever, should haue the right of suffraging.

CHAP. 6.

De Senatū & Senatoribus.

Clandia Lex.

Q *Claudius Trib. Pleb.* perswaded a law, that no *Senator* Cic. Verrin. 7
or *Senators* father, should haue any ship, which should
containe about three hundred of those measures called
Amphore, deeming that sufficient for the transportation
of their corne from the *Romane* fields. Secondly, by this
law the *Senators* were forbidden the vse of trading.

Amphore.] *Alexander Neopol.* obserueth two sortes
of these measures, namely *Amphora Italica* containing 2.
Urna; and *Amphora Attica* containing 3. *Urna*; euerie
Urna contained two gallons and a pottle. This in probabi-
lity is vnderstood of the *Italian Amphora*.

Tullia lex.

When as a custome had growne, that many of the *Senators* Cic. Philip. 1.
hauing by speciall fauour obtained *Libera legationem*, vpon all occasions would abuse that their authoritie,
procuring thereby their private gaine, and the encrease of
their owne honour; then *M. Tullius Cic.* being *Consul*
laboured, quite to take away these kindes of embassages:
which though he could not effect, yet thus farre he preuailed;
That whereas in former times this *Libera legatio* being
once obtained, was never (not through a mans whole
life) taken from him againe: yet afterward this authority
should never be granted to any longer, then the space of
one yeare.

Legatio libera.] We may obserue in ancient authors three
severall kindes of embassages. The one, which is a message
sent from the Prince or chiefe governours of one country
vnto another, and that is expresse commonly by this one
word *Legatio*, without any addition therevnto, sometimes
it is called *Legatio mandata*. The second, which is whē one
purchaseth the title of an Embassadour, thereby the more
honourably to performe some vow made, whence it was
called

M. Tullius
in orat. Phi. 1.

called *Legatio Potina*. The third is the office or title of an Embassadour, granted vpon speciall favour vnto a Senator, that he might with the greater authority prosecute his private suits in law, or gather vp his debts in that province whither he went: this last was termed *Legatio libera*. All three sorts are briefly touched by *M. Tullius*.

CHAP. 7.

De Magistratibus.

Cornelia lex.

Cic. in Pison.

L. *Cornelius Sylla* being *Dictator*, made a law, that all such as would follow him in the civil warre, should be capable of any office or magistrature before they came vnto their full yeares. A second part of this law was, that the children of such as were *proscripti*, should bee made vncapable of the *Romane* magistracies.

P. Ramus in
Agrar. 2.

Before they came to their full age. For *L. Villius* preferred a law, whereby he made such as were vnder age, to be vncapable of the city preferments: and those he accounted vnder age: who had not attained vnto the number of yeares, which he had prescribed each severall offices: and this law was termed *lex annalis*.

Fr. Maturus
in Phil. 13.

Proscripti.] Those were termed *proscripti*, who were not onely exiled and banished their country, but also their goods were seized vpon and confiscated. *Quoniam eorum nomina in publico scribebantur, hinc proscripti dicebantur.*

Hircia lex.

Cic. Phil. 13.

A. Hircius made a law, that all those that followed *Pompey*, should bee made vncapable of all places of office.

Cornelia lex.

Cic. Philip. 2.

L. Cornelius Sylla finding the *Prætores* i. the *L.* chiefe Iustices not to giue sentence alwaies according to enquiry, yea sometimes to goe quite contrary to their owne Edict, made a law, that every *L.* chiefe Iustice should administer iustice according to that his first Edict, hanged vp at the be-

beginning of his office. An addition vnto his law was, that the Lord chiefe Iustice should not be absent out of the ci. tie about ten daies.

Clodia lex.

In former times it was lawfull for either of the *Censors* to censure whom he pleased, and how he pleased, except his fellow *Censor* did plainly gaine-say it, and make opposition therein. But many abusing this their authoritie, *P. Clodius Trib. Pl.* made a law, that the *Censors* should not overskip any in their election of *Senators*; neither should they brand any with disgrace, except such as had beene accused vnto them, and beene condemned by them both. Cic. pro Sext.

Valeria lex.

The office of a *Dictator* at the first institution continued but six months space, vntill *L. Valerius Flaccus*, being *Interrex* in the vacancy of the *Consuls* preferred a law; that *L. Cornelius Sylla* should be a perpetuall *Dictator*. Cic. Vertrim. 4.

Cornelia lex.

L. Cornelius Sylla in the time of his *Dictatorship*, did by vertue of a law preferred by him clip the authority of the *Tribuni Pl.* disabling them of bearing any office after the expiration of their *Tribuneship*, taking away their authority of preferring lawes, of vsing any solemne speech or public-like oration vnto the people, of hearing appeales, of hindring any statute or decree tending to the hurt of the poplacie. Cic. 3. de leg.

CHAP. 8.

*De legibus.**Cacilia Didia lex.*

Q. *Cacilius Metellus*, and *Titus Didius* being *Consuls*, forbade, that *Vnaro gations*, i. in one and the same bill many things should bee proposed vnto the people: lest by that meanes, the people by granting the whole bill might grant something which they would not; or in denying the whole bill, might deny some particular clause, which Cic. Philipp. 5.

which by it selfe they would haue accepted. Moreover, these two *Consuls* ordained, that before a law should be asked in the assemblies, it should be promulged, .i. hangd vp to the publike view of the people three market daies.

Lex Licinia de triuindio.

Inim Silanus and *L. Licinius Mura* being *Consuls*, established that law of *Cecilius* and *Didius*, annexing a more severe punishment for the breakers thereof.

Lex Claudia de intercessione.

P. Clodius Trib. Pl. made a law, that the *Trib. Pl.* should haue full authoritie and power to propose lawes; neither should they be hindred by the *Intercession*, .i. gainsaying of any.

Lex Licinia Aebutia.

Licinius and *Aebutius* being *Trib. Pl.* ordained, that if any presented a law touching the oversight, the charge or cure of any business in hand; neither he, nor any fellow officer with him, nor any allyed vnto him should haue this oversight or charge committed to him.

CHAP. 9.

De Provincijs.

Sempronia de provincijs.

Sempronius Gracchus Trib. Pl. ordained, that the *Senate* every yeare before the election of their *Consuls*, should as it seemed best to them, appoint out what Provinces the *Consuls* now to be elected, should after the expiration of their office goe vnto; for which Provinces afterward the *Consuls* designed should cast lots. Another clause to this law was, that whereas in former times, by a decree from the *Senate* it was lawfull for the *Tribunes* to hinder the *Roman* assemblies, hence forward they should haue no authoritie.

Cornelia de Provincijs.

L. Cornelius Sylla being *Dictator*, preferred a law, that whosoever went into a Province *cum imperio*, tam diu illud imperium

Cic. de Pro-
vince consi-
lariis.

Cic. ep. 9. ad
Lentul.

imperium retinere, quoad in urbem reuersus esset: whereas in former times his rule and government was to bee resigned at the expiration of a settime appointed: yea although no successor were sent; yet could he not continue there *cum imperio* without a new commission. A clause added vnto this law was, that after the coming of any new *President* or Governour into the Province; the old *Provinciall President* should depart within thirtie daies.

Esse cum imperio. .i. *Ex exercitu praesse & vel habere ius administrandi, & suis attributis gerendi belis.*

Titia lex de Provinciis.

Titus, or (as some say) *Decius* preferred a law, that the *Provinciall Treasurers* called *Quaestores*, should cast lots for their Provinces: whence *Tully* in the Oration now quoted inferreth, that although *Ostia*; being the better Province, fell vpon *Servius Sulpicius*, yet inasmuch as it fell *legis Titianae*, .i. by casting lots, he could not therefore challenge any superiority about *L. Asiniana*: *Sed utriusq; nomen confidit in Quaestura*, .i. their same and renowne was equall in their *Quaestorship*.

Titia lex de Provinciis.

C. Iulius Caesar established two lawes touching the *Romane* provinces; one that no *Praetor* should governe a Province about twelue monthes; nor *Proconsull* about two yeare. The severall heads or clauses of this second law could not all be found out, but those which have come to light are these. First that *Achaia*, *Thessalia*, and all *Gracia* should be free; neither should any *Romane* Magistrate sit in iudgement in those Provinces (*Cic. pro domo*.) Secondly, that the *Provinciall* governours and their *comites*, .i. assistants or attendants, should haue hay, and all other necessities provided the on the way, by those townes & villages through which they passed. (*Cic. in Pison*.) Thirdly, that the *Provinciall* Magistrates at their departure should leaue a booke of their accounts in two cities of their province; and likewise should send a copie of their accounts vnto the *Romane*

P. Sig. de iur.

Prov. l. 3. c. 13.

1. Sig. ciuile.

lib. cap. 6.

Cic. pro L.

Muræ.

1. Meland. in

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Treasure-house (*Cic. in Pison*.) Fourthly, that it should neither be lawfull for the people so bestow, nor for the Provinciall Magistrate to receive *Aurum coronarium*, vnlesse it were in a triumph (*Cic. in Pison*.) Lastly, that it should be vnlawfull for the Provinciall Magistrate without the allowance of the people or the *Senate*, to depart out of their province, to lead forth any armie, to wage warre, or to go into any forreigne country. (*Cic. in Pison*.)

6 Lipsius de
magnit. Rom.
lib. 3. cap. 9.

Aurum coron.] There was a custome amongst the *Romanes* in times of victorie to present vnto the Lord Generall Coronets of gold, in steed whereof the after-ages presented a certaine summe of money, which was thence called *Aurum coronarium*.

Vatinia de Provincijs.

Cic. pro Bal-
bo.

P. Vatinium Trib. Pl. procured a law, that *C. Iulius Caesar* should haue the government of *Gallia Cisalpinga*, and *Illyricum* for five yeares space, without any decree from the *Senate*, or casting lots. Secondly, that they also should go as Legates or L. Deputies vnto *Caesar*, without any decree from the *Senate*, whosoever were nominated in that law. Thirdly, that *Caesar* should receiue money out of the common Treasure-house towards hauing an armie. Lastly, that he should transplant a Colony vnto a certaine towne of *Cisalpinga Gallia* called *Novocomum*.

Clodia de Provincijs.

Cic. pro Do-
mo.

P. Clodium being *Trib. Pleb.* procured a law that the government of *Syria*, *Babylon*, and *Persia* should be committed to *Gabinium*. The government of *Macedonia*, *Achaia*, *Thessalia*, *Gracia*, and all *Begotia* should be committed vnto *Piso*; and they should receiue together with an armie, money out of the common Treasury towards their iourney.

Clodia altera de Cypro.

Cic. pro Sext.

P. Clodium preferred another law, that the Iland *Cyprus* should be made a Province. That *Ptolemaus* the King of *Cyprus* sitting in his purple, with his scepter and other his princely ornaments *Fraxoni publico subigeretur, & com-
bonia*

bonis omnibus publicaretur, .i. should himselfe with all his goods be sold by a common cryer: That *M. Cato* being then *Treasurer*, *cum iure Pratorio*, *adfecto etiam Quaestore*, hauing by commission the office of a Lord chiefe Iustice, and another *Treasurer* to accompany him, should be sent into the Iland *Cyprus*, both to make sale of the Kings goods and estate, and also to bring back the money. Lastly, it was decreed by this law, that those who liued in exilement at *Byzantium* being condemned for some capitall crime, should be brought backe vnto that citie, vnder the name of *Romanes*.

Praconi publico subijceretur.] For the better vnderstanding of that phrase, we are to vnderstand the maner of portsale amongst the *Romanes*: which we may reade in *Sigonius* thus. Those things were rightly sold in portsale, which were publickely sold *Per praconem sub hasta*, .i. by the cryer vnder a speare sticke vpon for that purpose, and some Magistrate making good the sale by delivery of the goods. Whence I take *Publico praconi subijci*, & *Hasta subijci* to signifie one and the selfe-same thing, namely to bee set at sale: and *Cicero* vseth almost the selfe-same phrase, *Bona* Cic. Phil. 11.
Cin. Pompeij, vocis acerbissima sub hasta praconis. This kinde of sale was termed *Auctor*, because as *Sigonius* saith in the same place, to him the goods were sold, *Qui plurimum rem auget*, .i. which would bid most for it: and hence is the seller thereof termed *Auctor*, as *Cicero* *Id quod a malo au-* Verrin. 7.
lore emissent, .i. that which they had bought of one which had no authoritie to sell: and from this custome of setting vpon a speare in this kinde of sale, this word *Hasta* alone is vsed to signifie portsale, as *Hasta Caesaris*, the sale of *Caesars* goods. Those who brought these goods *Tully* doth call *Sectores*, *quia semini sui sectabantur*. Cic. Phil. 8.
Cic. in Ver.
Sig. de iud. lib. 2. c. 14.

CHAP. 10.

De legibus Agrarijs.

Those lawes were termed *Leges Agrariae*, which did concerne the diuision of the publike or common fields.

And these were either given by *Romulus* and other Kings; or taken from the enemies, or from private men which had made inclosures; or lawfully bought out of the common Treasury, *Uld.* *Signon.*

a Sig. de iure Ital. l. 2. c. 2.

Cic. pro Sext.

Sempronia lex Agraria.

Titus Sempronius Gracchus Trib. Pleb. preferred a law which forbade, that any of the *Romanes* should have to his owne part above five hundred acres of the common fields, the one halfe of which it was lawfull for his sonnes to enjoy. If it had so hapned that any should enlarge these common fields, three surveyers called the *b Triumviri agro di-*
vidundo, did marke out which was common, which private ground. Moreover, it was by this law provided, that the money of King *Attalus*, who made the people of *Rome* his heire, might be bestowed vpon those citizens, which had by this law obtained a part of the common fields, to the buying of instruments for husbandrie. Moreover, that the Kings lands should be farmed out at a set rent by the *censurers*, whence a yearely tribute should bee paid to the people.

b Sig. de iure Ital. l. 2. c. 2.

Cic. pro Sext.

Cornelia lex.

L. Cornelius Sylla being *Diktator* preferred a law, that all the fields of those *Romanes* which he had banished, should be common. This publication is to be vnderstood chiefly of those fields in *Thuscia* neere vnto the city *Volaterra*, and the citie *Fesula*; which ground *Sylla* divided amongst his souldiers.

a Sig. in Bulla.

CHAP. II.

De frumentarijs legibus.

Sempronia lex.

Cic. pro Sext.

T. *Sempronius Gracchus* being tribune of the commons provided, that a certaine quantitie of corne should monthly be given vnto the poorer sort at a low price, *Semisse & triente*, that is, about six pence farthing

thing a bushell. Hereupon was there a place appointed in Rome for the keeping of this common corne, together with certaine lawes hanged vp there called *leges frumentariae*. This place was called *Horrea semproniana*.

Semissis & stentis. It appeareth by the next law, that *Semissis* in this place, must signifie the same as *semularis* doth there. Where by we may note, that *semissis* doth not alwaies signifie the halfe part of the Romane coine called *As*, but sometime it signifieth a greater coine valewing almost our sixe pence.

Clodia lex.

P. Clodius Trib. Pleb. ordained, that that corne which heretofore was sold to the poore *senis uris & trientibus in singulos modios*, that is, for sixe pence farthing a bushell, should hereafter be given *gratis*, and the charge and oversight of this dole was committed to *Sext. Clodium*.

Terentia Cassia.

M. Terentius and *C. Cassius* being *Consuls*, preferred a law, *Uti aliter decuma à provinciis coemerentur, pretio in singulos modios HS. trientis constituto: Item ut civitatibus aequaliter imperaretur, pretio in singulos modios HS. quatuor constituto.*

For the better understanding of this law, we must note a threefold tithe paid by the Provinces. The first was the tenth part of the graine, growing in the Province to bee paid in *gratis*, and that was properly called *Decuma*, or *frumentum decumanum*, and those that tooke this tithe to rent were called thence *Decumani*. A second sort of tithes was a certaine quantitie of corne taken vp for the L. President or chiefe governor of the Province to keepe his house, and that was called *Frumentum astatum*, .i. corne gathered vp by way of taxation: for so this word *astum* coming from *as* doth signifie. *Est autem astumare ut are dictum, id quod vulgo dicunt appreciare & taxare.* The third sort of tithes, was when the Senate finding scarcitie of corne in

* Rofin. Ant.
lib. 8. cap. 11.

Cic. pro Sext.
in Pisone.
Cic. Verrin. 5.
& 7.

* Sig. de iure
Prov. L. 1. c. 1.

* Fr. Sylv. in
orat. pro Clu-
entio.

Rome;

Rome, did inioyne the Provinces to sell them a quantitie of corne at a price set downe by the *Senators* themselves, and this corne sould vpon conjunction, if it was paid but once in the yeare, it was termed *Frumētum emptum*: but if in the same yeare a second sale was inioyned them, then they called that second pay *Frumētum imperatum*. In the first clause of this law by [*altera decuma*] is meant *frumentum emptum*; in the second clause, by these words [*civitatibus aequaliter imparetur*] is vnderstood *Frumētum imperatum*.

Lex Hieronica.

Cic. Verrin. 4. *Hiero* King of *Sicily* obtained a law, wherein was set downe the quantity of corne that the *Aratores* or country farmers should pay vnto the *Publicani*, i. those which receiued the tithes, together with the time of payment and the price agreed vpon.

CHAP. 12.

De re militari & bellis.

Gabinia lex.

Cic. pro lege Manilia. **A** *Gabinus Tr. Pl.* preferred a law that the managing of the war against the *Pyrats* should be in such manner committed vnto *Pompey* for three yeares space, that over the whole sea betwene *Hercules* his pillars, and in the maritime provinces vnto the foure hundred *Stadium* from the sea, hee should haue power to command any Kings, Lord Presidents, or whole corporations to furnish him with all things necessary for that warre.

Manilia Lex.

Cic. pro lege Manilia. *C. Manilius Trib. Pleb.* perswaded a law, that the managing of warre against *Mithridates* should be committed vnto *Cn. Pompeius*. That the whole Province where *L. Lucullus* ruled, together with his whole armie should be resigned vp vnto him. Moreover that *Bithynia*, where *Glabrio* ruled, should bee added, together with all those bands and forces, which he had vpon the sea against the *Pyrats*, and all those provinces, over which the law *Gabi-*

nia

nia did entitle him governour, as *Phrygia, Lyconia, Galatia, Cappadocia, Cilicia, Colchia superior, and Armenia.*

CHAP. 13.

De Tutelis.

THis word *Tutela* doth signifie a wardship, guardian-ship, or protection of a childe in his nonage: whereof ^f*Camerarius* observeth foure sorts, & we may with ^f*I. Camerar.* in orat. pro *L. Flacco,* *Pellitarius* adde the fift. Either the overseers were appointed by will; or else the next of the kinne were overseers; or the magistrate did appoint whom he thought fit: and these three sorts *Ompbalus* calleth thus: the first *Testamentaria*, ^s*I. Ompfal.* in orat. pro *Cecinna.* the second *Legitima*, the third *Dattoria*. The fourth sort *Camerarius* calleth *Tutela fiduciaria*; *qua verumtress;* ^h*Pellitarius* pro *Cecina.* *qui emancipati desissent esse agnati.* The fift ^h*Pellitarius* calleth *Tutela honoraria*, namely when as the office of administration is committed to others, but yet certain chiefe overseers were appointed to see the will performed, who were called *Tutores honorarij*. Where we must note, that the law provided overseers, not for childre vnder age only, but for women also.

Emancipati desissent esse agnati By the Roman law everle sonne was in such subiection vnto his father, that before he could be released of this subiection and made free, he should by an imaginary sale be sold three times by his naturall father to another man, who was called by the law- ^s*Vid. leg. 1.* *tabul.* ¹*Sig. de iure Rom. l. i. c. 10.* yers ¹*Pater fiduciarius*, i. a father in trust; yea & be bought againe by the naturall father, and so manumised by him, & then he became free. The forme of this kinde of sale or alienation is set downe more at large in the explanation of one of the laws that followeth, with an example not much vnlike this. This imaginary sale was called *Mancipatio*; the children thus alienated from the father were termed *Emancipati*; this forme of setting free was termed *Emancipatio*. This *Fiduciaria tutela* then, in my opinion was thus. That when any goods did fall vnto a childe thus alienated,

by the death of his father, then should not the oversight of this child fall vnto the next of the kinne tearmed *Agnati*, but *Quoniam desit esse agnatus*. i. because he had in a manner lost his aliance, with his kindred, therefore shoulde the oversight of the child belong vnto the father in trust, tearmed *Pater fiduciarius*, whence the gardianship it selfe was called *Tutela fiduciaria*.

Latoris lex.

This law made by *Latorius* provided, that there shoulde be overseers appointed for those which were distracted, or did prodigally wast their patrimonie. For, as it appeareth by the common adage, *Ad agnatos & Gentiles deducendus est*, they did account all prodigals, mad men: they caning no more by that, then we do by our english proverb, when we say of a spend-thrift: let him be begged for a foole. The reason of their adage was, because if any were distracted, by the *Romane* law his wardship fel *Ad agnatos & Gentiles*. i. the next of the kinred.

CHAP. 14.

De Testamentis.

BEfore we descend vnto the lawes themselves, we will explaine those three diuers sorts of wils in vſe amongſt the *Romanes*. Namely *Testamentum calatis comitijs*, which was so called, because twice in the yeare in time of peace the *Romane* people assembled themselves together to this end and purpose, that if any would make his will the whole people might beare witness therevnto: these assemblies were tearmed *Calatis comitia*. Secondly *Testamentum in procinctu*. i. when a souldier in time of warre readie to giue battle, did call out three or foure of his fellowes, & in the audience of them did by word of mouth pronounce his last will and testament. Thirdly, *Testamentum per emancipationem familia*. i. by making over his goods and possessions vnder a fained forme of sale, vnto a second party called *Hares fiduciarius & imaginarius*. i. an heire in trust, who should

should afterward resigne them vnto the true and lawfull heire: and this imaginary kind of sale, was performed with certaine solemnities *circa as & libram*: and also the sale it selfe was sometimes called *Nexus*, as likewise *Emancipatio*. Hence was the will sometimes called *Testamentum per as & libram*, sometimes *Testamentum per Nexum*. For the prooue of this, which hath beene deliuered, touching the three sorts of wills I will referre the reader to *ⁱ Sigonius*.

ⁱ Sig. de iure Rom. l. 1. c. 12.

Furia lex.

C. Furia Trib. Pleb. made a lawe, that it should nor bee lawfull for any to giue away in way of legacy, vnto any, except to the kinsmen of him which manumised him, or some other certaine persons *supra mille asses*. i. aboue fiftie shillings or thereabout, there going 2 *Asses & semis* to the making of one *Sestertius*.

Cic. Verrin. 3.

Voconia lex.

Q. Voconius Saxa Trib. Pleb. tulit legem, Ne qui census esset, virginem, neve mulierem supra quadrantem suorum bonorum heredem institueret plusve cuiquam legaret, quam ad heredem, heredesque perveniret.

Cic. Verrin. 3.

Census.] This word *Census* doth sometimes signifie all such as haue tendered the iust valuation of their estate vnto the *Censors*: and then *Inensus* is opposite to it, signifying such an one, as hath not tendered his estate or name to bee registred by the *Censors*. But in this place *Census* is taken for such a rich man, whose estate was in the *Censors* booke valued at one hundred thousand *Sestercies* (*Vid. Ascensus in Verrin. 3.*)

Supra quadrantem suorum bonorum. i. No womā should be heire to more then one quarter of such a rich mans good. For the right conceaving of this, we must note with *ⁱ Latomus*, that the whole inheritance: (were it never so great) was tearmed *As*, and that was divided into twelue parts which the lawyers called *Uncia*: *Dua uncia* dicebatur *Sextans*, tres quadrās, quatuor Triens, quinq, Quincunx, sex Semissis, septem Septenux, octo Bessis, novem Dodrans, de-

ⁱ Barth. Latom. in orat. pro Cornelia.

• Alex. Gen.
dier. l. i. c. 1.

cem Decunx, undecim Deunx, Totum. As, ut dictum est. Ad
gaine every *Uncia* was divided into six parts called *Sextu-*
la: *Due sextula Duallum tres Semunciam faciunt*. So the ac-
cording to the lawyers (as^o *Alexander* obserueth) if there
were one heire alone instituted, hee was tearmed *Hares in-*
Assem totum institutus, if otherwise there were many co-
heires, then was it according as the *Testator* did appoint.
Some were *ex Deunce. haredes* .i. heires to eleven parts of
his goods, there being but one part bestowed from him:
some were *haredes ex quadrante* .i. heires to one quatter of
his goods: others were *Haredes ex semuncia* .i. they had the
four and twentieth part: others were *Sextula asserfi* .i.
they had the threescore and twelfe part of the whole *As* .i.
of the whole inheritance be it more or lesse, &c. Here wee
must vnderstand that there is great difference betweene
these two phrases, *Institui hares in totum Assem*, & *ex toto*
Asse. For all those, which were nominated *Haredes*, whe-
ther it were *ex Dodrante, Quadrante, vel Semuncia*, or how-
soever, yet were they tearmed *Haredes ex toto Asse* .i. they
were not *Legatarij*, such as receaued legacies. Now none
can be said *In totum Assem institui*, but he which is the all
one & sole heire vnto the whole.

CHAP. 15.

De Usu-capione.

Axioma lex.

Cic. Verrin. 3.

A *Tinius* made a law, that the plea of prescription or
long possession should not auaille in things that had
beene stolled, but the interest which the right owner
had in those stolne goods should remaine perpetual. The
words of the law are these: *Quod surreptum est a iure res aeterna*
auctoritas esset. Whereby *auctoritas* is meant *iuri dominij*.
This crime of theft as likewise of vsury was so odious vnto
the *Romanes* that whosoever was found guilty thereof was
condemned *Lege quadrupli* .i. to pay foure times as much:
whence the informers against such were tearmed *Quadruplatores*.

CHAP.

• Sig. de iure
Rom. l. i. c. 11.

• Fr. Sylv. in
Verrin. 1

CHAP. 16.

De Iudiciis, & Indicijs.

Lex accusatoria.

Tully mentioneth a law tearmed *Lex accusatoria*, which in truth was no lawe, neither was there any author thereof: but there was such a received custome amongst the *Romans*, that the accuser should object against the party accused, not onely the present crime then questioned, but all other scapes & faults committed long before to the bettering of his matter: that at length this accusatory custome became in manner of a law, and so was called *Lex accusatoria*. vid. *Franc. Sylvium in orat. pro Mur.* Their custome also was to procure others to ioine with them in their accusations; those *Tully* calleth *Subscriptores*, because they did subscribe vnto the accusation. Cic. pro Mur.
Cic. pro Mur.

Lex Servilia & Sempronia.

Whereas *Sempronius* had preferred a law, whereby he tooke away the authority of sitting in iudgement from the *Senatours*, and appropriated it to the *Romane* Gentlemen; *Q. Servilius Capi* being *Consul* did afterwarde preferre another law, whereby the administration of iudgement was divided betweene the *Senatours* and the *Gentlemen*. Curio in orat. pro Scauro.

Rupilia lex.

Rupilia lex vetabat diebus triginta sortiri dicam. Here we must note with *Sextilius*, that this law was of force onely in the province of *Sicilia*; also that it is one thing *scribere dicam*. i. to enter an act, another *sortiri dicam*. i. by lots to choose the Iudges, which was 30. daies after. Cic. in Verris.
Sig. de iure Prov. l. 2. c. 5.

Livia lex.

Though by vertue of *Servilius* his law the *Senatours* were made capeable of the office of a Iudge; yet they were not thereby equally capeable with the *Romane* Gentlemen: & therefore did *M. Livius Drusus* ordeine, that the Iudges should be elected equally out of both orders, namely three Cic. de officiis.

hundred out of the *Senate*, and three hundred out of the *Gentry*.

Plantia lex.

Cic. pro Cor-
nel.

M. Plantius Sylvania preferred a law, that the number of Iudges should bee chosen not onely out of the *Romane Senators* and *Gentlemen*, but out of the populacy also, namely out of every Tribe fiftene Iudges.

Aurelia lex.

Cic. in Verre
1. pte.

L. Aurelius Cotta being *Prator* made a law, that the Iudges should be chosen out of the *Senators*, the *Gentlemen*, and those *Martiall Treasurers* or *Clearks* of the band called *Tribuniarii*.

Pompeia lex.

Cic. in Pison.

Cn. Pompeius Magnus being *Consul* ordained, that the Iudges should bee elected out of the wealthieſt *Centuries*, tying the election notwithstanding to those three degrees of people, namely *Senators*, *Gentlemen*, & *Martiall Treasurers*; also he added that the number of Iudges to examine causes should be seaveny and five.

Julia lex.

Cic. Philip. 1.

C. Julius Caesar ordained, that the election of Iudges should be out of the *Senators* and *Gentlemen* onely, leaving out the *Martial Treasurers*; and this *Tully* calleth *legē Indiciariam Caesaris*.

Antonia lex.

Cic. Philipp. 1.
& 5.

M. Antonius tulit legem, ut tertius indicum decuria à *Centurionibus*, *Antesignanis*, *Alaudis*, *Manipularibus* fieret.

Indicum decuria:] When the *L. chiefe Justice* had taken his oath, he chose out some *ex certis ordinibus*, *non ex omni populo*, i. out of such degree and place, as the law required, to sit in judgement in the triall of those cases, which were rearm'd *causa publica*; and these Iudges he afterward divided into lesser numbers called *Decurie*. *vid. Sigon. de iure Rom. lib. 2. cap. 18.*

E. Centurionibus.] *Centuriones* were captaines over an hundred footmen.

Antesignani.] This word *Antesignanus* hath a double acception in the *Romane* histories. Sometimes *Antesignani* do signifie the third part of the *Romane* army: For all those souldiers, that fought before the banners of ensignes, as they were called *Hastati* in respect of their weap^e, so were they called *Antesignani* in respect of their ensignes, before which they fought. The second part of the army as they were called *Principes* in respect of their prowesse and valour, so were they called *Subsignani*, as fighting vnder the ensignes. The third part, as they were called *Triarii* because they fought in the third, or rereward, so were they called *Postsignani*, as fighting behinde the ensignes. Where we must not think, that those which were called *Antesignani*, & *Subsignani*, were altogether destitute of ensignes among themselves (for every Maniple had his ensigne) But the Eagle and other chiefe ensignes were caryed by the *Subsignani*. & in respect had to the they had their names. And hence ariseth the second acception of this word, namely that all those souldiers of every Maniple, which stood in front before their ensigne were called *Antesignani*, and those were commonly the best souldiers in the company. See the severall proofes of this. *Lips. Milit. Rom. lib. 4. dial. 3.*

Alandis.] *Jul. Caesar* pressed a legion of souldiers out of *Gallia Transalpina*, all which afterwarde he made free of *Rome*. This legion he called *Legionem Alaudarū*, from the forme of their helmets which did resemble the head of the Larke, called in french *Alaude*. *Barthol. Latomus in Philip. 1.*

Manipularibus.] Those captaines which governed a Maniple of souldiers, were called *Manipulares*. *Fr. Matruantius in Phil. 1.*

Cornelia lex.

L. Cornelius Sylla, preferred a law, that the chiefe iudge of the bench called *Iudex quaestionis*, should referre it vnto the choice of the defendant, whether he would haue iudgement passed on him *Clam an Palam* i. (as *Sylvius* obiecteth) *Cic. pro Cluentio.*

veth) either by voices, or by tables.

Memoria lex.

This law (made by *Memmius*) provided; that no action
 Cic. in Vatin. should be entred against those, who were imployed abroad
 in busineses for the common wealth. An addition vnto
 this law was, that whosoever should *calumniari*, i. forge an
 accusation against another, a certaine letter shoulde bee
 Cic. pro Sext. burnt in his forehead in token of infamy. This law is some-
 Roscio. times called *Lex Rhennia*. Here we may with *Er. Sylvius*
 Fr. Sylv. in obserue the difference of these three phrases, *Calumniari*,
 Crat. pro Clu- *Pravariari*, and *Tergiversari*. He which doth in his accu-
 entio. sation forge faults never committed, is said *Calumniari*. He
 which vndertaketh ones suit, and either will not vrge rea-
 sons in the behalfe of his client, or answere the obiections
 of his adversary whē he is able, is said *Pravariari*, i. to play
 the false *Proffowr*. He which doth desist in his accusation, &
 let his suit fall, is said *Tergiversari*.

Lex incerta de Nexu.

Cic. pro mur. In ijs rebus qua mancipi sunt, in periculum iudicij prestare
 debet, quise nexu obligavit. i. If the buyer of any thing in
 that forme of sale called *Nexu* be troubled in law, the sel-
 ler thereof must secure him, and saue him harmelesse.

* Fr. Sylv. in *Mancipi sunt.* Those things were tearmed *res Mancipi*.
 Crat. pro mur. pi, which were alienated from the seller *Nexu*, i. by such a
 forme of sale as followeth. The forme was thus; At the least
 siue witnesses, all *Romane* citizens and of full age, besides
 one called *Libri-pens* (from holding of a paire of ballaces)
 should be present: and the chapman or buyer should come
 with a certaine brasse coyne in his hand, and say (for ex-
 ample sake, if it were a bondslave to be sold) *Hunc ego ho-*
 minem ex iure *Quiritium manum esse aio, isq; mibi emptus est*
hoc are; and forthwith striking the ballance with the brasse
 coyne, he gaue it to him that made the sale. This kinde of
 chaffering was tearmed *Nexu*, as we may suppose *à netlā-*
de, because it did binde the seller to make good the sale:
 7 Sylv. libid. 7 Sometimes it is called *Per. as & libram vñdisio*, because of
 the

the ceremonies vsed in it. Now it is commonly called *Mancipatio*, *à manu capione*, from taking that which is sold into ones hands or possession: whence the word *Mancipatus*, and *Mancipium* are vsed to signifie a bondslauē, that is in this maner sold; though sometimes *Mancipium* doth signifie the sale it selfe: whence *Cic.* vseth this phrase, *Lex Mancipij*, to signifie a clause or condition put in the sale. All things sold after this manner were termed *Res mancipi*; The word *Mancipi* being a nowne indeclinable, as *Frugi, Cordi, Huiusmodi, &c.* We may coniect the reason of these ballances, why they should bee vsed in this kind of bargaining, to be, because in olde time they did not bar-gaine by paying coyned mony, which was called *Æs signatum*, but by paying a certaine weight of money, whence such mony was termed *Æs grave*. And hence it is, that metaphorically we translate *Pendo* and *Rependo*, to pay and repay.

^a Melanct. in
ora. pro Mur.
^a 1. Camerar.
in orat. pro
Muræ.

^b Priscian. li. 3.
vid F. Sylv. in
ora. pro Mur.

^c Alex. Gen.
diut. l. 4. c. 5.

CHAP. 17.

*De Maiestate.**Lex Varia.*

Q *Varius Trib. Pl.* made a law, that the *Prætores Quæstiores* should sit in iudgement vpon those, by whom the Allies or Associates had been moved to attempt warre against the *Romane* people.

*Cic. pro Cor-
nel.*

Julia lex.

C. Iul. Caesar ordained, that such as were condemned of treason, or causing vproares in the common wealth, should be banished.

Cic. Philipp. 1.

CHAP. 18.

De Ambitu.

Those lawes were termed *Leges de Ambitu*, which were made against vndirect or vnlawfull courtes vsed in canuallies for offices.

X

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Memnonia lex.

This law (made by *Memnius*) provided, that no action should be entred against those, who were imployed abroad in busineses for the common wealth. An addition vnto this law was, that whosoever should *calumniari*, i. forge an accusation against another, a certaine letter shoulde bee burnt in his forehead in token of infamy. This law is sometimes called *Lex Rhemnia*. Here we may with *Fr. Sylvius* obserue the difference of these three phrases, *Calumniari*, *Pravariari*, and *Tergiversari*. He which doth in his accusation forge faults never cominated, is said *Calumniari*. He which vndertaketh ones suit, and either will not vrge reasons in the behalfe of his client, or answer the objections of his aduersary whē he is able, is said *Pravariari*, i. to play the false *Prosecutor*. He which doth desist in his accusation, & let his suit fall, is said *Tergiversari*.

Lex incerta de Nexu.

Cic. pro mur.

In ijs rebus que mancipi sunt, is periculum iudicii prestare debet, qui se nexu obligauit, i. If the buyer of any thing in that forme of sale called *Nexu* be troubled in law, the seller thereof must secure him, and saue him harmelesse.

* Fr. Sylv. in

orat. pro mur.

Mancipi sunt,] * Those things were tearmed *res Mancipi*, which were alienated from the seller *Nexu*, i. by such a forme of sale as followeth. The forme was thus; At the least siue witnesses, all *Romane* citizens and of full age, besides one called *Libri-pens* (from holding of a paire of ballāces) should be present: and the chapman or buyer should come with a certaine brasse coyne in his hand, and say (for example sake, if it were a bondslaue to be sold) *Hunc ego hominem ex iure Quiritium meum esse aio, isq; mihi emptus est hoc are*; and forthwith striking the ballance with the brasse coyne, he gaue it to him that made the sale. This kinde of chaffering was tearmed *Nexu*, as we may suppose *a nexūde*, because it did binde the seller to make good the sale.

* Sylv. ibid.

¶ Sometimes it is called *Per. as. & libram venditio*, because of the

the ceremonies vsed in it. * Now it is commonly called *Mancipatio*, ^a *a manus capione*, from taking that which is sold into ones hands or possession: whence the word *Mancipatus*, and *Mancipium* are vsed to signifie a bondslaue, that is in this maner sold; though sometimes *Mancipium* doth signifie the sale it selfe: whence *Cic.* vseth this phrase, *Lex Mancipij*, to signifie a clause or condition put in the sale. All things sold after this manner were termed *Res mancipij*; ^b The word *Mancipi* being a nowne indeclinable, as *Frugi, Cordi, Huiusmodi, &c.* We may coniect the reason of these ballances, why they should bee vsed in this kind of bargaining, to be, because ^c in olde time they did not bar- gaine by paying coyned mony, which was called *Æs signatum*, but by paying a certaine weight of money, whence such mony was termed *Æs grave*. And hence it is, that metaphorically we translate *Pendo* and *Rependo*, to pay and repay.

CHAP. 17.

*De Maiestate.**Lex Varia.*

Q. *Varius Trib. Pl.* made a law, that the *Prætores Quæ- sitores* should sit in iudgement vpon those, by whom the Allies or Associats had been moved to attempt warre against the *Romane* people.

Julia lex.

C. Jul. Caesar ordained; that such as were condemned of treason, or causing vproares in the common wealth, should be banished.

CHAP. 18.

De Ambitu.

Those lawes were termed *Leges de Ambitu*, which were made against vndirect or vnlawfull courses vsed in canvasses for offices.

^a Melanct. in ora. pro Mur.
^a J. Cæterar. in ora. pro Murræ.

^b Priscian. li. 3. vid. F. Sylv. in ora. pro Mur.

^c Alex. Gen. dicit. l. 4. cas.

Cic. Philip. x.

Fabia de Ambitu.

This *lex Fabia* restrained the number of those poore me who because they were wont to follow vp & downe, & all the day to attend such as did stand for offices, were thence called *Senatores*.

Acilia Calpurnia.

Cic. pro Mur.

M. Acilius Glabrio, and *C. Calpurnius Piso*, being *Consuls*, made a law, that such as were convinced of sinister and vndirect meanes vsed in their canvasses, should be fined at a certaine summe of money set on their heads, & they should be made both vncapeable of bearing office, and vnechigible into a *Senators* place.

Senatus-consultum de Ambitu.

Cic. pro Mur.

M. Tullius Cic. and *C. Antonius* being *Consuls*, a certain decree was made by the *Senate*, that if such as did either salute or attend vpon those that stood for offices, were hired by any manner of reward; or if any publike prizes were occasioned to be plaid; or any publike feasts made by them, they should be liable to the censure of *Calpurnius* his law.

Tullia lex.

Cic. pro Sen.

M. Tullius Cic. made a law, that no man standing for an office should cause any publike prize to bee plaid, within two yeares that he either had stood, or should stand for an office, vnlesse the day had formerly beene appointed by some will. Item he ordained, that *Senatores* being found to haue vsed vnlawfull meanes for the attaining of any office, should suffer ten yeares exilement. And the commonaltie offending in that point, should be punished with an heavier pvnishment, then the law made by *Calpurnius* layed on them. An addition vnto this was, that if any being cited to his answer in the course for his vndirect meanes, *Si morbo excusaret*. i. If he did vrge his sicknesse for his not appearance, then should he vndergoe a penalty.

Si morbum excusaret.] So that *Tully* here seemeth to cut of that liberty which the twelue tables permitted in these words [*Si Index alternè ex litigatoribus morbo sentico impedi-*

diatur, indies dies diffusus est]. i. If either Iudge, Plaintiffe, or Defendant were sick, they should *diffundere diem*. i. *proferre & in aliud tempus reuocare*, proroge the time of iudgement. And vnlesse some might thinke, that by *morbum senticm* was meant some strange disease, *Sigonius* inferreth that every disease is tearmed *Senticm*, which hindreth vs in the performance of our businesse: *Sentes enim nocentes dicunt.*

Licinia de Sodalitijs.

M. Licinius Crassus being Consul, periwaded *vt in Sodalitijs Iudices ab accusatore ex tribubus ederentur.* Cic pro Plancio.

Sodalitia.] In the later times the *Romanes* in their canvasses would gather together a certaine company of their side or faction to follow them, tearming them *Sodales*; and these *Sodales* would as it were by violence force the people to suffrage with them, whence the violence offered by them was tearmed *Sodalitia*. *Sig. de Iud. lib. 2. cap. 30.*

Iudices ab accusatore ederentur ex tribubus.] Wee may read of three sorts of Iudges among the *Romanes*, or rather of three diuers kindes of elections of their Iudges. For either they were *Leis sortitione*, of which more may be seen in one of the lawes following; or *Editione*, by nomination or naming them, the manner thereof being thus; That either the plaintiffe should choose them all, and then were they called *Iudices edititij*; or the plaintiffe should choose one halfe, and the defendant the other, and then were they called *Iudices alterni*. *Melancthon in Cic. pro Muran.*

CHAP. 19.

De pecuniis repetundis.

First touching the word *Repetunda*, *Sigonius* saith, that such money was tearmed *Pecunie repetunda, quae possent repeti*, which might by the course of lawe bee recovered; Namely such money as any Magistrate, Iudge, or publike officer, did either in the Provinces, or in the citie receaue as a bribe, from the Allies and Associates, or from the *Romane* citizens for the administration of iustice, or the execution

cution of any publike dutie: & this kind of bribe they tearmed *Pecunias repetundas, pecuniam albatam, captam, coactam, conciliatam, averfam* (Cic. in *Verrinis*) But as it seemeth very probable, these lawes against briberie were first occasioned, for the ease and reliefe of the *Romane* Provinces, and Allies, called in Latine *Socii*, who were much abused in this kind by the *Prov. Consuls, Prætors, & Quæstors*; &c. Whence *Tully* calleth this law against bribery, *Legem Socialem*.

Iunia lex.

M. Iunius Pennus Trib. Pleb. preferred a law, that such as were convicted of bribery, *Præter litis æstimationem, exilium etiam damnato esset irrogatum*.

Litis æstimationem. Here we will consider the difference of these three phrases, *Litis contestatio, Litis redemptio*, and *Litis æstimatio*. The first signifieth the producing of witnesses, when both sides shall openly in the court use this forme of words, *Testes estote*: which was not done *antequâ satisfationes factæ essent*, before sureties were put in, by the one, that hee would *Judicatum solvere*, pay that which hee was condemned: by the other, that he would *rem ratam habere*. i. stand to the verdict or sentence in the court. The second phrase signifieth a composition or an argument agreed vpon by both sides betweene themselves: *Redimere lites est pacationem facere; qui enim paciscitur, facit ut lis non sit*. The third is; when the partie which is cast in the suit is adiudged to pay the mony, or the worth of the goods called in question, together with the cost and damages in law vnto his adversarie. & *Litem æstimare est pecuniam, de qua lis fuit, & propter quam condemnatus est reus, in summam redigere, qua de bonis eius redigatur*. And *Æstimare litem, est, quod vulgò dicitur, Taxare litis expensas*.

Acilia lex.

M. Acilius Glabrio made a law, that such as were accused of briberie, *Neg. ampliari, neq. camperendinari possent*. i. they must out of hand receave iudgement,

For

e Sig. de iud.
l. i. c. 27.

f Fr. Sylv. in
orat. pro Q.
Rosio.

g Fr. Sylvius in
orat. pro Clu-
entio.
h I. Tullia, in
orat. pro Ra-
burio.

For the right vnderstanding of these two words [*Amplari & Comperendinari*] we must consider the ancient customs and ceremonies vsed by the *Romanes* in handling their suits of law. First there was *In ius vocatio*. i. a citation of one into the court. Secondly *postulatio*. i. a request put vpon to the *Prætor*, that it might be lawfull for the Plaintiffe to enter his action against the Defendant; whence *Postulare aliquem de hoc vel illo crimine*, is to accuse one of this or that crime. Thirdly *Nominis delatio*. i. the taking of the defendants name into the court-booke; and this was termed *Intendere actionem*; vel *Litem*; and *Diem aliquid dicere*. i. to enter an action against one. At which time the plaintiffe did *Vadari remem*. i. demaund furesies or bale fro the defendant, that he would appeare vpon the day appointed by the *Prætor*, which commonly was the third day following, called properly *dies perendinus*, and sometimes *dies tertius* simply, as it appeareth by those capitall letters. I. D. T. S. P. vsed to be written in their actions: which letters *Probu* expoundeth thus. *In diem tertium, siue perendinum*. So that the properly, *lit vel rem dicitur comperendinari*, when the giving of sentence is differred til the third day. Moreover before the *Prætor* would suffer the action to be entered, he would sweare the Plaintiffe that he did not accuse the Defendant *calumniandi causa*. i. falsely or maliciously, and this kind of swearing was termed *Calumniam iurare*, *calumniam denotare*, and *In litem iurare*. Now if either party were absent from the court vpon the third day, except he were sicke, he was cast in his suit; and the *Prætor* did grant an execution called *Edictum peremptorium*, whereby he gaue authority to his adversary to seaze vpon his goods. Sometimes there were two or three Edicts in manner of Proccesses or writs before the *Edictum peremptorium* could be obtained; sometimes it was graunted at the first, and then was it called *vnus pro omnibus*. Now if both parties came into the court and did appeare, then were they said *se fuisse*: so that this word *se fuisse* amongst the lawyers did signifie to shew ones

¹ Sig. de Inst. lib. I. cap. 27.

² Sig. ciuil. I. cap. 28.

³ Sig. ciuil. I. cap. 21.

selfe in the court. Vpon the third day the *Prator* also with the whole bench of Iudges did meete, and the *Index Questionis* (whom *Rosinus* maketh a distinct officer differing from the *Prator*) did cause all the *Select* Iudges to pull out certaine lots, out of an urne or pitcher brought thither for that purpose, & those Iudges vpon whom the lot fell were to sit in judgement: This was called *Sortitio Iudicum*. Now if either the Plaintiffe or Defendant did suspect any of those, that they would be partiall, then might he except against them, and that was called *Iudicum reiectio*; Then the *Index questionis* would in manner aforesaid choose other Iudges into their places, and that was called *Subsortitio*. Which being ended, those Iudges which were thus chosen received every one of them from the *Prator* three tables, the one hauing this letter *A* written in it, betokening *Absolution*: whence *Tully* calleth it *litteram salutarem*: The other hauing this letter *C* written in it, betokening *Condemnatio*: the third hauing these two letters *N. L.* betokening *Non liquet*. After the receipt of the tables, then did the *Prator* *mittere vel dimittere iudices in consilium*. i. send them to cast their tables into the urnes, there being three urnes or little coffers purposely provided; the one for those Iudges which were chosen out of the *Senators*, the other for those that were chosen out of the *Gentlemen*, the third for those which were chosen out of the *Martiall* Treasurers. Now if they did cast the first sort of tables into the urnes, then the *Prator* pronounced the defendāt absolved; if the second, then he pronounced him condemned; if the thirde, then hee pronounced *Amplius cognoscendum*, that they must haue longer time to enquire. And this is properly termed *Amplatio*, A repriue; and in such maner it is said, *quod lis vel rem dicitur Ampliari*. The proofes of this manner of proceeding in law may bee collected out of *Rosinus lib. antiq. 9. cap. 19. 20. & 24.* and out of *Sigonius* according to the marginall quotations.

Lex Cornelia de Sicarijs, Veneficio, & Parricidio.

(Cor-

Cornelius Sylla being *Dictator* ordained a law, that the chiefe Iudge called *Iudex Quæstianus* with the whole bech of Iudges, should sit vpon life and death on such as had killed a man; on such as had with an euill intent set any place on fire; on such as should walke with any weapon either to kill or rob a man; on such as had either made, bought, sold, had, or given any poyson, thereby to kill a man; on anie magistrate, whoſoever ſhould cauſe any conventicle or ſecret aſſemblies, or ſhould giue their conſent to the ſuborning of any man to accuſe another falſely, that thereby he being innocent might be oppreſſed & condemned by publique iudgement. Moreouer *De iuris capito quarto, &c. i.* Let them ſit vpon life and death on that man, which ſhall beare falſe witneſſe, that another might be condemned to death; on that magistrate or chiefe Iudge, which ſhall take a bribe to condemne another to death.

Parricidium. This word doth properly ſignifie onely a murthering of ones parents or kinsfolke, but in *Numa Pompilius* his time it ſignified as much as *homicidium*. i. any murther whatſoever.

CHAP. 20.

Lex 12. tabularum de Vindictis.

Si qui in iure manum conserunt, utroiq; superstitibus presentibus vindictas sumunt.

Si qui in iure. Here we muſt note, that the cuſtome among the *Romans* in old time was, that as often as anie controverſie did ariſe touching the poſſeſſion of an houſe, a field, or any ſuch like thing, the *Prætor* did go vnto the houſe, field, or the thing queſtioned, being accompanied thither with the *Plaintiffe* and the *Defendant*, together with others whom the law required to be preſent as witneſſes. This place whereſoever it were, though in the open field, during the time that the *Prætor* ſate there to giue iudgement, was termed in Latin *Ius*, in Engliſh a Court. Where in the preſence of the *Prætor* and the witneſſes, the plain.

m I. Camerar.
pro L. Murxn.

n Rosin ant. li.
8. c. 29.
o Sig de iud.
lib. 1. c. 21.

p A. Gell. vid.
Rosin. Ant. l. 8.
c. 29.

plaintiffe and Defendant did *manum conferre*, that is, as
con in a solemne forme of wordes prescribed them by the
law. For this phrase is borrowed by the lawyers from the
art military, where souldiers are said *manum vel manu con-*
ferre, when they fight hand to hand. [*Utriusq. superstitionibus*
presentibus]. i. let both parties in the presence of witnesses
(soⁿ *Festus* expoundeth *superstities*) (*Vendicatio sumuntur*). i.
Let them take a turffe of the ground: For so^o *Sigonius* ex-
poundeth *Vindicatio*, though properly (as he observeth) it
signified the possessiō of a thing, rather then the thing pos-
sessed. This turffe being taken vp, was caryed to the *Pra-*
tor, and iudgment was given vpon that, as vpon the whole.
I do presume that in other cases, as in taking the possessiō
of an house, &c: some other thing in manner of the turffe
was presented vnto the *Praetor*, vpon which as vpon the
whole he gaue iudgement. In Proceffe of time, the *Praetor*
by reason of the multitude of other employments, not fin-
ding convenient leasure to review every particular ground
or house called in question, & it was ordayned contrarie to
the twelve tables, that the plaintiffe in such cases should
come into the court, and challenge the defendant in this
forme of words *Ex iure manu conserutum te voco*. i. I chal-
lenge thee to goe out of the court into the field, to vsse one
towards the other that solemne forme of words which the
law enioyneth. Then did the defendant either yeeld the
possessiō of the ground, or else he did reply, *Vnde tu me ex*
iure manu conserutum vocasti, inde ibi ego te revoco. Then did
they both taking witnesses with them without the compa-
ny of the *Praetor inire viam*. i. goe into the ground bringing
back a turffe thereof, vpon the which (as in maner shewne)
the *Praetor* gaue iudgement at their retorne.

For the better vnderstanding of this that hath been spo-
ken in the explanation of this law, we must note, that the
action tearmed *Vindicatio* was twofold, either the suit for
the possession of a thing, or the suit for the Lordship or
right

right owning thereof. The possession of any thing was covered, either by a true and reall violence, or by a seeming violence. This seeming violence was twofold, either it was *mannus confectio*, which was shewed immediately before; or *Moribus deductio*, .i. a custumarie leading the vnlawfull possessor out of the ground, thereby to enter possession. *Ubi simulata altera a lege, altera emanauit a moribus*; saith *q Sigon*. The first of these did arise from the *Romane* law, the other from a custome amongst the *Romanes*: the first of these is to be seene in *Tully* his oration *pro Murrana*, the other *pro Cicerone*. To these *Sigonius* addeth a third kinde of seeming violence; which how iustly he hath tearmed a violence, I shall leaue to the indifferent iudgement of the vnpartiall Reader. The right of the Lordship or owning any thing was sued for in this manner: The plaintiffe did question with the defendant thus; first, *An auctor esset?* .i. whether he had not covertly made away the possession of the thing, thereby to frustrate the action. Secondly, *An sponderet*, .i. whether he would put in a gage of money into the Court, which he would forfeit if he were cast; which being done, the plaintiffe did also vpon the demand of the defendant put in a gage of money to be forfeited, if he prevailed not in his suit. This gage of money was tearmed *sa- cramentum*; and in this sense, *Tully pro Milone*, saith, *In istis vindictis, & sacramentis alienos fundos petunt*, that is, they sue for other mens grounds, with vniust actions and gages of money. Thirdly, *An satisfayeret*, that is, whether he would put in surety, that during the trial in law, the ground or house called in question should not be impaired. The solemne forme of words vsed in the first demand, is thus to be seene in *Tully*, *Quando in Iure te conficio; postulo anne sis auctor?* If the defendant held his peace, then was he ad- judged to pay all costs and damages; if he professed himselfe the present possessor, then did the plaintiffe proceed in manner as he should for the possession thereof; if he denied it, then did the *Prator* say vnto the plaintiffe, *Quando negas,*

De iudic. lib. 1. cap. 21.

Sigon. de iudic. lib. 1. cap. 21.

Cic. orat. pro Murrana, & pro Cicerone.

sacramento quærito: Therevpon said the plaintiffe to the defendant, *Quando negas, te sacramento quinquagenario provoco spondesne te soluturum quinquaginta asses, si auctor sis?* To whom the defendant replied, *spondeo quinquaginta asses si auctor sim. Tu verò spondesne idem, ni sim?* The plaintiffe answered, *Ego quod, spondeo*. Now in this kinde of *stipulation*, the plaintiffe was said *sponsione & sacramento pro vocare, sacramento rogare, quærere, & stipulari*, .i. to challenge one to pawne a summe of money for the triall of a suit in law. The defendant was said, *contendere ex provocations, contendere sacramento, & restipulari*, .i. to be sued in such manner. This money was tearmed *sacramentum*,² because when it was forfeited, it was bestowed in *rebus sacris & divinis*. Touching the last Interrogatory, I reade no set forme of words, but by the word *satisfactio*, the intelligent Reader may coniect that it did somewhat symbolize with our English custome of putting in bale.

² Sig. de iud.
lib. 1. cap. 21.

Lib. 4.





Lib. 4.

*Rites and customes observed by the Romanes
in their warres.*

De Militiâ.



T Ouching the art *military* vsed among the *Romanes*, it will not be impertinent to consider, first, how warre was proclaimed, and peace established by them: Then to march on to the description of their bands or companies, where we may first obserue the office of their chiefe Captaine, and their subordinate Leaders, together with the severall wards into which the vniuersall armie was divided. After this we may descend vnto the diversitie of punishments vsed towards captives, and likewise towards refractarious and disobedient souldiers: Adding as a *corollary* or *period* to our whole discourse the severall rewards, which the Lord Generall with his souldiers after the performance of certaine noble achievements receiued.

CHAP. I.

*De ritu, quem Romani observarunt vel fœdus ferientes,
vel bellum inferentes: & de tripliciratione
conscribendi milites.*

WE may remember that it hath beene already shewed,
that both the proclaiming of warre and peace be-
longed

longed vnto a certaine order of *Romane* Priests called *Fa-*
ciales, whom by reason of their office I Englished *Heralds*
 at armes. The rites and ceremonies, which they vsed, when
 they proclaimed peace were as followes, viz. One of those
 Heralds hauing his commission from the state (after that
 both sides had agreed vpon the truce and league now to be
 concluded) tooke vp a stone in his hand ^a vsing this so-
 lemne forme of words: *Si rellè & sine dolo malo hoc fœdus*
atq; hoc insinrandum facio, dij mihi cuncta felicia præstent; sin
aliter aut ago aut cogito, (ceteris omnibus saluis) in proprijs
patrijs, in proprijs legibus, in proprijs laribus, in proprijs tem-
plis, in proprijs sepulchris solus ego peream, vt hic lapis è mani-
bua decideret, and therewithall hee cast the stone out of his
hand: which manner of oath was tearmed *Iurare Iovem la-*
pidem, or per Iovem lapidem, .i. as it hath beene rendred by
Festus, to swear by *Iupiter*, holding a stone in ones hand.

^a Polyb. vid.
 Rosin. Ant.
 lib. 10, cap. 2.

^b Sig. de iure
 Ital. lib. 1. c. 1.

^b Many say that he did cast that stone at an hogge or por-
 ker brought thither purposely, adding these words to the
 former; *Si prior populus Romanus defexit publico consilio, tum*
ille Diespiter populum Rom. sic ferito, vt ego hunc porcum ho-
die feriam: alluding to which custome *Vergil* saith,

Et casâ imgebant fœdera porcâ.

^{*} Vid. pag. 50.

The manner of denouncing warre hath beene ^{*} alreadie
 shewed. The act of service in warre was termed *Mereri sub*
hoc vel illo duce, .i. to serve in warre vnder this or that cap-
 taine: and whatsoever souldier was discharged of his ser-
 vice, as having served out his whole time, he was called *mi-*
les emeritus, and by ^c *Tully*, such an one is said *stipendia con-*
fecisse. ^d *Servius* hath observed, that the *Romane* souldiers

^c Orat. prole.
 ge Manil.

^d Serv. l. 2. &

7. *Æneid*.

^e Ips. de mi-

lit. Rom. lib. 1.

dial. 8.

were pressed three manner of waies: *per Sacramentum, Con-*
iurationem, & Evocationem. But ^e *Lipsius* censureth him
 for the amisse-explanation of the last member. Therefore
 the indifferent Reader shall giue me leaue to borrow the
 tearmes from *Servius*; but the explanation of them partly
 from *Servius*, partly from *Lipsius* in the places now quo-
 ted. Ordinarily souldiers at their presse did each severally
 take

take their oath not to forsake their captaine or country;
 and this oath was called *Sacramentum militato*. The words
 thereof are rendred by ^f Polybius thus: *Ob: imperatoris sum, & facturus, quicquid mandabitur ab imperatoribus, iux-*
^{ta vires,} and those were tearmed *militēs per sacramentum*.
 Vpon extraordinary occasions, (as when tumults or com-
 motions did cause any suspicion of imminent danger) the
 chiefe-leader of the souldiers did go vnto the Capitoll, and
 bring forth two banners or flags, the one red, called there-
 fore *vexillum roseum*, vnto which the footmen repaired; the
 other sky-coloured, called therefore *caruleum*, which the
 horsemen followed. The reason why the horsemens banner
 was sky-coloured, is rendred thus, because it did most re-
 semble the colour of the sea; which colour they deemed
 most acceptable to *Neptunus*, who was both the God of the
 sea, and the first author of horses. Now because the sudden
 danger would not yeeld so much time, that they might se-
 verally be sworne, therefore did they take their oath in
 common altogether; and thence were they called *Militēs*
per coniurationem; as likewise ^b *Militēs subitarij*, in respect
 of their sudden presse. The third member may also be ad-
 mitted, if we with ⁱ *Lipſius* vnderstand it in its true sence,
 namely for those souldiers who by the Lord Generall were
 added vnto the bodie of their armie; he hauing authoritie
 to call out such other souldiers, who for their long service
 were discharged from giuing in their names at a muster.
 And these are generally by all Authors tearmed *Militēs*
evocati; and *Lipſius* deemeth them al one with those whom
Servius calleth *Militēs per evocationem*. The souldiers be-
 ing thus pressed, if they purposed to make warre vpon their
 enemies, then did the Lord Generall summon them to pre-
 pare themselves by a sound of trumpets; and this was tear-
 med *Classicum canere, à calando*, which signifieth to call.
 Which being done, a skarlet banner was hanged out at
 the Lord Generall his Pavilion: from which ceremonie I
 thinke that that common adage did first arise, *conferre sig-*

^f Vid. Lipſ. de
 milit. Rom. l.
 1. dial. 6.

^g Serv. Encl.
 lib. 8.

^b Lipſ. lib. i.
 de mil. Rom.
 dial. 4.
ⁱ Lib. i. de mil.
 Rom. dial. 8.

k Lib. 4. de
milit. Rom.
dial. 11. & 12.
l In ep. viror.
illust. l. 4. ep. 1.
m Plaut. in
Pseudolo.

n Pigh. in suz
prax. ad lib. 1.
septim.
o Alex. Gen.
dier. l. 1. c. 20.

na & Collatis signis pugnare, to joyne battell. Immediately vpon this they did *Barrum tollere*, make a great shout or noyse with their voyces, to the greater terrour of their enemies: and that the noise might be the greater, they did *Arma concutere*, rustle together with their armour, and clash their swords. These foure ceremonies are to be seene more at large in k *Lipsius*. Vnto which we may adde the fift, observed by l *Fr. Sylvius*; namely, that at the remouing of their campe, they did *conclamare vasa*, giue a great shout or crie, in token that the souldiers should trusse vp their bag and baggage: and hence it is that m *Plautus* useth this phrase, *Colligatis vasis*, to signifie as much as *parare* or *expedire*. Now that they might bee the readier for battaile, they did gird (as I suppose) their souldiers coats close vnto them: And a souldier thus girt was called *Cinctus*, that is (saith n *Pighius*) *Cinctus*. o *Inde Disinctos ignavos, & militiae minime aptos putarunt; Præcinctos vero fortes & strenuos*. Hence also is that proverbiall speech, *In præcinctu stare* or *Vivere*, To be in a readinesse continually.

CHAP. 2.

De Legione, Auxilijs, & legionis partibus.

p Plutarch. in
Romulo.
q Rosin. Ant.
lib. 10. cap. 4.

r Sig. de iure
Rom. l. 1. c. 15.

s Egen. ibid.

THE *Romane* forces were in oldetyme divided into two severall parts; namely, in *Legiones & Auxilia*, into Legions and Auxiliary bands. The Auxiliary bands were such forces as the neighbour and confederate countries did send vnto the *Romanes*. The legions were taken out of the body of the *Romanes*: p *Legio, a deligendo dicta est*, from the choice and selecting of souldiers. q *Romulus* is said to haue beene the first author of these Legions, making every legion to containe three thousand footmen, and three hundred horsemen, r one thousand footmen and one hundred horsemen being taken out of each nationall Tribe. Afterward it was augmented by *Romulus* himselfe into foure thousand footmen, s whence it was called *Quadrata legio*. And in procelle of time a legion increased vnto the

the number of sixe thousand : which number it seldome or never exceeded (as it appeareth by *Sigon*, in the placenow quoted.) Now none could be ordinarily registred for a souldier vntil the seventeenth year of his age, at which his first admission he was tearmed *Tyro*, a fresh-water souldier: and hence figuratiuely *Tyrocinium* hath not beene translated only the first entrance into warre, but also the initiation on or first entrance into any arte or science whatsoever. After he had serued many yeares, then was he tearmed *Veteranus*, an old beaten souldier. The *Romane* legion was divided in *pedites & equites*, there being commonly for every thousand footmen an hundred horsemen. *Pedites distribuerant in Cohortes; Cohortes in Manipulos; Manipuli in Centurias*: *Equites distribuerant in Turmas; Turma in Decurias*. The word *Cohors* doth signifie that part of ground, which is commonly inclosed before the gate of an house, & which from the same word we call a Court: and *Vatro* giveth this reason of the Metaphor. As in a farme house (saith hee) many out buildings ioyned together make one inclosure: so *Cohors* consisteth of severall maniples ioyned together in one body. It is manifest (saith *Alexander*) that the *Romanes* in ancient times did very seldome, yea never (except in great necessity) enroll into their universall armie above foure legions: and in an ordinary legion which hee tearmeth *Legionem* iustam ten *Cohortes*, every *Cohors* containing 3. maniples, every maniple two *Ceturies*, every *Ceturia* an hundred souldiers: whence they from *Centum* were called *Centuria*, a centurie. These centuries were sometimes divided into lesser numbers called *Contubernia*; every *Contubernium* containing tenne souldiers besides their captaine, which was called *Decanus*, and *Caput Contubernij*. Where we must observe that *Contubernium* doth signifie as well the pavilion or lodging it selfe, as the souldiers lodging therein: and it may be so called *quasi Contubernium*, from *Taberna* signifying any flight lodging made of boards. Those that ruled over a thousand footmen wee may in

English

Alex. Gen. dier. l. 1. c. 20.

Panciro. l. rerum deperdit. cap. de habit. & vest. veter.

Sig. de iure Rom. l. 1. c. 15.

Edmunds in his observ. upon Cæsar's Comment. lib. 2. cap. 3.

Varro. lib. 3. de re rustica. Alex. Gen. dier. lib. 1.

Varro. vid. Rosin. Antiq. Rom. l. 10. c. 5.

Rosin. ibid.

English call *Serians maior*; They called them *Tribuni militum*. Those that governed over the Centuries were called by them *Centuriones*, by vs in English *Centurions*; and they had their inferiour officers vnder them, which were called d Veget. vid. *Tergiductores*, or *Extremi agminis ductores*. d Their office
 Rosin. Antiq. was to oversee and looke vnto those of the campe which
 Rom. l. 10. c. 7. were sicke, who commonly came behinde the armie, *Quasi extremum agmen, & tergum acies*. The horsemen were divided into severall troopes called *Turma*, every *Turma* containing thirty horsemen. Again, every *Turma* was subdivided into three lesser companies called *Decuria*, every *Decuria* containing ten horsemen: whence their Captaine was called *Decurio*, and the Captaines over the greater troopes, namely over the severall wings of the horsemen, were called *Equitum praefecti*. Now the chiefe governour over the vniversall army was called commonly *Imperator*: we in English call him a *L. Generall*. His Lieutenant or *L. Deputie* was called *Legatus*, e who in old time was sent *non tam ad imperandum, quam ad consulendum imperatori*. This word *Imperator* in the *Romane* histories hath a threefold accepti-
 on. First it is taken for him, who by commission from the State hath the managing of an army, being the same that *Prator* was in ancient time: and in this sence it hath affinitye with the office of our *L. Generall*. Secondly, for such a *L. Generall*, who by his prowesse hauing put f one thousand of his enemies to the sword, both his souldiers saluted him, and the *Senate* stiled him by the name of *Imperator*: But if he had slain lesse then one thousand, he was not thought worthy of this solemne salutation by that name. Lastly, it was taken for a Sovereigne Prince, King, or Monarch, in which sence it was the *Prænomen* of al the *Romane* Emperors from *Julius Caesar* forward. Now because the souldiers in a Legion must of necessitie differ much in estate, age, and experience, some being welchier, elder, and of more experience then others; hence was it requisite also, that there should be a distinction of places in their armies, according to the
 desert

e Lipf. de mil.
 Rom. lib. 2.
 dial. 10.

f Barth. La-
 rom. in Phil.
 deat. 14.

¹Lip. de mil.
Rom. lib. 1.
dial. 8.

^m Pancir, in
notit. orient.
& occident.
imper. c. 32.

ⁿ Lipf. milit.
Rom. lib. 4.
dial. 7.

^o Lipf. milit.
Rom. lib. 4.
dial. 7.

the chiefe Centurion in a whole legion, as having the charge of the chiefe banner called the Eagle; whence *Aquila* is sometimes ysed to signifie *Primopilarum*, the office and place of the *Primopilus*. The second Century was called *secundum pilum*, & their Centurion *Secundipilus*, &c. Secondly they called the *Principes*, which marched in the battle immediatly before these *Triarii*, *Antopilanos*; which argueth that those souldiers, which followed next should be the *Milites Pilani*; and by consequence their weapon should be that kind of dart, which they called *Pilum*. Their maner of embattelling was divers. Sometimes they would make a winged army, so that the maine body thereof should be in the middle, and on each side a lesser company. The maine body we in English call the *Countergard*, and the two lesser companies we call *Wings*; as likewise in *Latine* they called them *Alas aciei*, and *dextrum vel sinistrum cornu*. ^m *Pancirollus* calleth them *Vexillationes*, because there fought no more in either wing, then belonged to one banner called in Latin *Vexillum*. The governours of these wings he calleth *Alarum Praefectus*. Sometimes they embattled so, that the forefront of the Army being small, it was enlarged bigger and bigger backward in manner of a triangle: By ⁿ *Lipfius* it is demonstrated ynto vs vnder the forme of the greeke letter Δ. He in the same place calleth it *caput porcinum, quia velut fodit & erit irradendo*. Commonly it was called *Cuneus militum*, the metaphor being borrowed not only from the resemblance it had with a wedge but also from the use of a wedge: for they never embattled in this forme, vnlesse it was to breake through their enemies, the piercing angle being thicke compacted with targets. Sometimes they did in a quite contrary maner enlarge their army in the forefront, making it to end in an angle: & ^o this they called *Forfex* and *Forceps militum*. Sometimes their forme of embattling was circular, and then was called *Orbis vel globus militum*. The banner or flagge was properly called *Vexillum*, being a diminutiue of *Velum*. It was

was also called *Bandum* whence we doe at this day call so many souldiers, as doe fight *sub eodem bando*, a band of souldiers: as *Romulus* called those that fought *sub eodem manipulo* (an handfull of hay being vsed at that time instead of a flagge) *Manipulum militum*. Ovid.

Pertica suspensas portabat longa maniplos,

Vnde manipulari nomina miles habes.

CHAP. 3.

De oppugnatione vrbi, & his qua ad oppugnationem requiruntur.

IF the siege of a towne seemed difficult and hard to passe, then did the *Romanes* vse certaine meanes of policie for the better effecting thereof. They inuironed the towne with a broad and deepe ditch, adding therevnto a rampier, fortified with many castles and fortresses, whereby they both kept the towne from any forraigne succour, and withall secured themselves from sallies and other stratagems. This rampier did extend it selfe toward the wals of the city, so that by making (as it were) a great hill, they might overtop the city, and fight with the greater advantage. Now that this great heape of earth might become firme and well able to support the buildings to bee erected vpon it, they did cast in much timber & stones amongst the earth; and this heape of earth, stones, and timber when it was reared, was properly called *Agger*; whence commeth both the Latin verbe *Exaggerare*, and the English to *Exaggerate*, i. to amplifie or encrease a matter. The stakes, posts, & trees, which were rained in about this bulwark or rampire to vphold the earth, were sometimes called *Cervi*, because of their forked and sharpe tops; but more properly *Valli*, and *Valla*. The distance and space between each stake was called *Intervallum*, though now *Intervallum* doth signifie not onely such a distance, but any distance either of place or time, as it appeareth by that of *Tully* in *Terentio locutus* & *temporis distincti*. Sometimes *Vallus*

Festus vid. *Panc.* in not. orient. & occident. imp. cap. 32.

Lipf. poliot.
lib. 2. dial. 2.
Serv. Anci.
lib. 10.
Cic. ep. fam.
lib. 1. ep. 7.

doth signifie a pole or stake, wherevnto vines are tied; according to that receaued adage, which wee vse when a speciall friend forsaketh one, *Nullus vitem deseruit*. From the first signification it is, that *Vallum* doth often signifie the inclosure, or hedging in of trees and stakes, wherewith the bulwarke is vpheld: Alluding wherevnto *A. Gallus* translates *Eg. & Nilus*, *Vallum dentium*. The meanes of their defense, whiles they were making this their rampire, was a certaine engine or ordinance of warre made of planks and hurdles, running vpon wheelles, vnder which they might rest secure fro all stones and darts cast from the wals of the city: It was called *Vinea*. A second engine was *Musculus*: The matter whereof it was made I haue not read: but the vse of it was, that vnder it the souldiers might approach vnto the wals of the city, and vndermine them. Thus much *Lipf.* seemeth to inferre, when he rendreth the reason of the name: *Musculus ideo dictus, quia instar eius animalis culi foderent sub eo terram*. A third meanes of their defence was *Militaris testudo*. This word *Testudo* in the art Military had a double acception, both being borrowed from the resemblance of the *Tortoise* shell, which is the true & genuine signification of this word. In the first acception *Testudo*, & doth signifie a warlike engine or sence made with boards covered over with raw hides, which served against fire and stones cast at the souldiers: vnder this they might safely assaile the wals. In the second acceptio it signifieth a target-sense, which was a close holding together of targets over head like a vault or rooffe, wherewith the footemen did defend themselves from the thicke shot of arrows or slinging of stones. Their rampier or countermure being finished, they vsed certaine great timber towers made vpon wheelles to run to and fro, which they called *Turres ambulatoria*, moueable turrets. These towers had many stories one over the other, wherein they carryed ladders and casting bridges thereby to scale the wals. The engines hithervnto haue bene defensiu, such wherewith the *Romans*

* A. Gel. Noc.
Aruc. l. 1. c. 15.

* Rosin. antiq.
Rom. l. 10. c. 16.

* Lipf. polior.
lib. 1. dial. 9.

* Rosin. antiq.
Rom. l. 10. c. 16.

* Stad. in
Flor. l. 4. c. 10.

* Rosin. antiq.
Rom. l. 10. c. 16.

defended themselves in their siege: others there were offensive, wherewith they did assaile the city; and of those the chiefe were *Balista sive Catapulta*, *Scorpius sive Onager*, *Aries*, & *Malleoli*. The first of these engines, as it was called *Balista* and *in Catapulta*, from darting or casting forth any thing, so was it in old time called *Catapulta* and *in vltima*, which signifieth a shaft or dart. The forme thereof followeth, translated word for word out of *Marcellinus*. [Between two planks there is set in frame, and fast ioyned a strong & bigge yron, reaching out in length after the manner of a good great rule; out of the round body whereof, which is artificially wrought, there lyeth forth farther out a fowre square beame, made hollow with a direct passage in manner of a narrow trough, tyed fast with many cords of sinewes twisted one within the other, and therevnto are ioined two wooden skrewes; neere vnto one of which standeth the cunning Balistier, & subtilly putteth into the hollow passage of the beame a wooden shaft with a bigge head glewed fast to it. This done on both sides, two lustie young men doe bend the engine by turning about certain wheelles. When the top of the head is drawne to the vntermost end of the cords, the shaft being carried forth of the Balista, by the inward force thereof, it flyeth out of sight.] That the reader may receaue the more light in the vnderstanding of this obscure description, I haue added the very words of *Marcellinus*. [*Ferrum inter axiculos duos firmum compaginatur & vastum, in modum regula maioris extentum: cuius ex volumine teretis, quod in medio ars polita componit; quadratus eminet stylus extensus recto canalis angust; meatu cavatus, & hac multiplex corda nervorum tortiliu illigati cuius, cochlea dua lignea coniunguntur aptissimi, quarum propd vnam adfixit artem contemplabilis, & subtiliter adponit in temonis cavamine sagittae ligneam spiculo maiore conglutinatam. hocq; facto hinc inde validi invenes versant agilitervotabilem flexum. Quum ad extremitatem nervorum acumen veneris summum, percita interno pulsu a balista ex oculis e-*

^b Lipl. Polior.
lib. 3. dial. 2.
^c Am. Marc.
lib. 23. cap. 3.

* Machine
Erratorie.

* Ab hac medietate testium
Here we must
note that this
signification of
testes is borrowed
from the
Anatomists
which doe call
certaine eminent
partes behind
testes Vid.
Fuchf. instit.
med. l. 1. sec. 5.

volat. In respect of its vse we may english it a *Trossebolt*. but it was much bigger, and of a different forme. The *Scorpion*, which now they call *Onager*, is described by *Marsellinus* in the same place thus. Two oaken or elme beames are hewen out, and somewhat bended, so that they seeme to bunch out in backs; and these in maner of a saw engine are tied fast together, being bored through with wide holes, through (which by the means of those holes) strong cords are tied, keeping in the whole frame, that it starr not asunder: From betweene these bunches, another wooden beame reaching forth overthwart, and in maner of a waine beame erected vp, is tied with such devises vnto certaine ropes, that it may be pulled vp higher, or let downe lower at ones pleasure; and at the top thereof certain yron hookes are fastned, from which hookes there hangeth down a certain sling either of iron or tow: Vnder which erected beam there lyeth a great peece of haire-cloath full of small chaffe tied fast with cords, and placed vpon a bancke of turfes, or a heape of bricks: When therefore it cometh to the point of skirmish, a round stone being put into the sling, foure young men on one side loosing the beames, into which the ropes are incorporated, doe draw backe the erected beame vnto the hooke. Thus at length the master of the engine standing in some high place, giuing a mightie stroke with a hammer (and, as I suppose, vpon the cord, wherevnto the erected beame was fastned, with his hooke) scereth open the rayles, that containe the whole worke, insomuch that this erected beam being now at liberty with that quick stroke, and hitting against the soft-haire-cloath, it hurleth out the stone, that will batter whatsoever is in the way. And it is called *Tormentum*, quod ex eo omnis explicatio torquebatur. It is also called *Scorpio*, because when the long beame or tillar is erected, it hath a sharpe top in maner of a sting. The moderne time hath imposed vnto it the name of *Onager*. i. a wild Ass; because that wild Asses, when they are coursed by hunters, sling backe stones with their heeles a farre off,

so that often times they pierce the breasts of those that follow them.] The Latine word is made from the Greeke *ἄριος*. i. *Arius* & *ἄγος*, *rus vel ager*. Now if any aske me, why that sack cloath of ashes was interposed, the reason is rendered by *Marcellinus* in two lines, which I purposely did not translate in their place, because I would continue the sense, without such a long *parenthesis*. The reason is there delivered thus; because the violence and force of the erected beame recolling, after it had bene by the stroke discharged, was such, that it would shake in peeces the strongest wals, except there were some soft thing interposed, whereby the forceable strength of the recoil might be by degrees slacked. The *Aries* or Ram is described also by *Marcellus* in the same place. The Ram was a great tree, or beame like vnto a mast of a ship, having a peece of yron in maner of a Rams head, fastned at the end thereof, where with they did demolish and batter downe the wals of a city. It was hung vnto a beame, which lay a crosse over a couple of pillars, and hanged thus equally ballanced, it was by force of men pulled backward, and then recoiled vpon the wals.] In lieu of these *Rammes* another engine was found out, called *Heliopolis*, *ab invisato* *ἑλίου*. i. *capio*, & *πόλις*. i. *civitas*. The forme of it is to be seene also in *Marcell. ibid.* [There was (saith he) a *Tessudo*, or vaulted frame made, strengthened with very long peeces of timber: it was covered over with oxen hides, and greene wicker hurdles: the vpper part or convexe sur-face thereof was overlaid with mud to the end that it might keepe of the fall of fire and casting of weapons. Now there were fastned in the front of it certaine *Cuspides trifurci*. i. iron pikes with three edges very massy, in maner of the thunderbolts, which painters and poets exhibite vnto vs. This great engine the souldiers ruling within with divers wheelles & ropes, with maine force they thrust it against the wals.] [*Malleoli* (saith the same *Marcellinus*) were certaine darts fashioned on this maner; there was an arrow made of a cane, betwixt the head & the

nock

nocke whereof was fastned an yron full of clefts; which arrow like vnto a womans distaffe, on which linnen is spinned, was finely made hollow within the belly, yet open in many places: In the belly it receaved fire with suell to feede vpon. And thus being gently discharged out of a weak bow (for with an overstrong shooting the fire was extinguished) if it tooke fast hold on any place, it burned the same, & water being cast thereon, the fire increased: neither was there any meanes to quench it, but by casting dust on it.] Now if they could not prevaile by these engines called *Machina*, then did they make certain passages vnder ground which they called *Cuniculi* from *Cuniculus* signifying a conny-berry: insomuch that these two phrases are opposite, *Machinis*, & *Cuniculis oppugnare*, as it appeareth by that of *Plutarch*: *Casar non iam cuniculis, sed machinis tollit rempublicam*. i. He doth not now covertly, but with open violence assault the common weale.

^a Plutarch. in
vit. C. Cæf.

CHAP. 4.

De penis in hostes devisis.

ALbeit after the victory the *Romanes* inflicted diverse degrees of punishment, according to the malice found in an enimie; yet were they alwaies compassionate, and (as histories testifie) more exorable then any other nation. The punishments which we find them to have vsed toward a conquered nation are these. Either they punished them by death; or sold them *sub coronâ*; or dismissed them *sub iugum*; or merced them in taking away their territories; or made them tributarie states. ^c An enimie was said to be sold *sub coronâ*, when he being placed in the market place, a crowne was put vpon his head in token of such a sale: or therefore certaine captiues were said to be sold *sub coronâ*, because at such times they were iuvironed about with souldiers to keepe them together, and this circle of souldiers, as likewise of all other companies, is called *Corona*. When they dismissed any *sub iugum*, ^e they erected two speares

^a A. Gell. lib. 7.
cap. 4.

^c Scad. in Flor.
lib. 3. c. 28.

speares with a third lying a crosse in maner of a gallows: then they caused them being disarmed, & their belt taken away to passe vnder in token of bondage. When their territories were taken from them, they were commonly conferred vpon old bearen souldiers, in way of remuneration for their faithfull service. This transplantation was termed *Colonia deductio*; and the place ever after *Romana Colonia*, i. a *Romane Colonie*. At which times they chose out every tenth man, viz. such as were able and of best sufficiency to make and establish a publike councill, whom they named *Decuriones*. Whence we may obserue that *Decurio* is not alwaies taken for a captaine over ten horsemen, but sometimes it is vsed to signifie an *Alderman*, or chiefe *Burgesse* in a *Romane Colonie*. Divers times the *Romanes* would bee content after the conquest to graunt to their enemies a peaceable enioying of their lands and possessions, conditionally, that they would yeelde all faithfull allegiaunce vnto that *L. Deputy*, whosoever the *Senate* of *Rome* should place over them. The *L. Deputie* was either styled by the name of a *Proprator*, a *Proconsul*, or a *Præfelm*. Those places, where the two first sorts of governours did rule, were termed *Provincia*; the other from the governour was termed *Præfelmura*. Whence we must obserue that this word *Provincia* hath a threefold acception. First it is taken for a country, which by the force & power of armes is subdued to the *Romane* empire, and governed by some *Romane* Deputy sent from the *Senate*: and this is the proper and primitive signification thereof, it being so called, *Quod populus Rom. eam prouicit i. ante vicit*. Secondly it is taken for any region or country, where the *L. Generall* or chiefe captain over a *Romane* army doth manage warre against any nation by commission from the *Senate*. Lastly it signifieth any publique function or administration of office, yea any private dutie, charge, or taske either vnder taken, or imposed; according to that of *Terence*, *Provinciam cepisti duram. i.* *Thou hast vnder taken an hard taske.* Now the tribute to be

^a Sig. de titre
Ital. l. 2. c. 4.

^b Pigh. lib.
Tyranis.

^c Terentia
Phor.

be paid was either certaine, or vncertaine. The certaine was properly called *Tributum vel Stipendium*; and those who paid it were termed *Tributarij* sive *Stipendiarij*: and this tribute was of two sorts, either ordinarie, such as was required from every house yearely, even in the time of peace; or extraordinarie, such as was levied by a law or decree of the *Senate* towards unexpected charges. The vncertaine tribute^k properly called *Velligal*, was^l either impost-mo-ny, such as was collected in haven townes for the transportation of marchants wares, and that was called from *Portus* *Portorium*, or from *Porta* *Portarium*, and the receauers thereof *Portitores*: or Tithe corne, namely the tenth part of their graine, and that was called from *Decima* *Decuma*, and the receauers thereof *Decumani*; though *Decumanus* when it is an adiectiue signifieth as much as *Maximus*, according to that of *Ouid. lib. 1. de Trist.*

*Qui venit hic fluctus fluctus supereminet omnes;
Posterior nono est, undecimog, prior.*

^m Fr. Sylv. in
vitor. illust. ep.
2. lib. 1.

ⁿ Sig. de iure
Rom. l. 2. c. 4.

^o Cic. de A-
rusp. respon.
& alias sæpe.

The reason of this signification isⁿ supposed to be, because in *Arithmeticke* amongst simple numbers the tenth is the greatest: or lastly that money, which was paid by certaine hearde-men for pasturing their cattle in the *Romane* fields and forrests. This kinde of tribute was called *Scriptura*, and the pastures *Agri Scripturarij*; because (as ⁿ *Festus* saith) the bayliffe or receauer of this mony, called *Pecunarius*, did *Scribendo conficere rationes*. i. keep his account by writing. Where we must note, first that all these kindes of Tributes were not only required in Provinces or Countries subdued, but throughout *Italy* even in *Rome* it selfe. Secondly though each collectour of these Tributes was distinguished by a peculiar name, yet by a generall name they were al called^o *Publicani*, in as much as they did take to rent these publike tributes. The chiefe of them, which entred into bond, as the principall takers or formers of these tributes *Tully* calleth *Mancipes*. The others which were entered in, to the same bond as sureties, were termed *Prædes*. Many times

times the *Romanes* did bestow the freedome of their citie vpon forraigne countries; & the degrees of freedome was proportioned accordingly as the countries were. Some they honoured with the name of *Romane* citizens, but excluded them from the right of suffraging, leaving them also to be governed by their owne laws and magistrates. This state they called a *Municipal* state, in Latine *Municipium*, because they were *Muneris huius honorarij participes*. By *Munus honorarium* in this place is vnderstood nothing but the bare title of a *Romane* citizen, whereby they were privileged to fight in a legion as free denisons, not in an auxiliary band as the associates. Now the first that ever obtained this *Municipal* state, were the *Cerites*, who for preserving the holy things of *Rome* in the time of the warre against the *Gauls*, were rewarded with the freedome of the city, but without power of suffraging; From whence it is, that those tables, wherein the *Censors* enrolled such as were by them deprived of their voices, were called *Cerites tabula*; *Horace* calleth such a table *Ceritum ceram*, for the reason shewne before. But we must withall obserue, that some *Municipal* townes haue either by desert or instant suit obtained the liberty of suffraging also, which occasioneth that receaued distinction, that there was *Municipium sine suffragio*, and *Municipium cum suffragio*. Other countries which could not be admitted into the freedome of the citie, haue obtained, and that not without speciall and deserved respects to be Associates and confederats vnto the state of *Rome*. The inhabitants of such countries were sometimes called *Socij*, sometimes *Amici*, sometimes *Latini nominis socij*, &c. The King or Prince of such a countrie did stile himselfe *Amicus & socius Senat. & Pop. Rom.* Here we must obserue a difference betweene *Pactio* & *Fedus*, both signifying a kind of league. That truce which in time of warre is concluded vpon, and accepted of both sides for a certaine & limited space of time, is properly called *Pactio*; we commonly call it *Inducia*; and is differed from *Fedus*;

p Sig. l. 2. de iure Ital. c. 7.

p Sig. de iure Ital. l. 1. cap. 1.

* Sigon. ibid.

'first, because that *Fœdus* is a perpetuall truce or league; Secondly because it was necessary, that one of those *Prætoribus* at armes called *Fœciales*, should by a sollemn proclamation confirme this league called *Fœdus*; neither of which conditions was absolutely requisite in their truce termed *Pactio*.

CHAP. 5.

Multa militares, quibus milites Romani ob delicta afficiebantur.

Touching the punishments that the *Romane* L. General vsed towards his owne souldiers when they were faulty, they were commonly proportioned vnto the fault committed. Sometimes they were easie, of which sort were al those punishments which did only brand the souldiers with disgrace; other times they were heavier, such as did hurt & afflict the body. To the first sort belonged these: First *Iguominiosa dimissio*, i. a shamefull discarding of a souldier, when he is with disgrace removed from the army. Secondly, *Fraudatio stipendij*, i. a stopping of their pay; & such souldiers which suffred this kinde of murther were said to be *are diruti*, because *Et illud diruebatur in fisco, non in militis sacculum*. Thirdly, *Confisus hastaria*, whereby the souldier was iniointed to resigne and giue vp his speare: for as those which had achieved any noble act, were for their greater honour *Hastâ purâ donati*; so others for their greater disgrace were enforced to resigne vp their speare. Fourthly, the whole *Cohors*, which had lost their banners, were compelled to eat nothing but barley bread, being deprived of their allowance in wheat; and every Centurion in that *Cohors* had his souldiers belt or girdle taken from him, which was no lesse disgrace amongst them, then it is now amongst vs, that a knight of our order of the Garter, should be deprived of his Garter. Fifthly, for petty faults they made them to stand barefooted before the L. General his pavillion, with long poles of ten foote length in their hands.

* Rosin. antiqu.
l. 10. c. 35.

hands: and sometimes in the sight of the other souldiers to walke vp and downe with tuiſes on their neckes. In the last of these they seemed to imitate their city discipline, whereby malefactours were intoynd to take a certaine beam resembling a forke vpon their shoulders, and so to cary it round about the towne; whence from *Furca*, & *Fero* they were tearmed *Furciferi*. It hath some affinity with our carrying of queanes here in England. In the first we haue no custome, that doth more symbolize, then the standing in a white sheet in the open view of a congregation. The last of their lesser punishments was the opening of a vaine or letting them blood in one of their armes: which kinde of punishment was vsed toward those alone, which (as they conceited thorow the abundance of their hote blood) were too aduenturous and bold. The heavier kindes of punishments were these: first *Virgis vel Fuste cadi*, to be beaten with rods or with stauces and cudgils. None were ordinarily beaten with cudgils, but those who had not discharged their office, in the sending about that tablet called *Tessera*, wherein the watchword was writtens; or that had forsaken their place, where they were appointed to keepe watch; or those who had stollen any thing from out the campe; or borne false witness against their fellowes, or abused their bodies by women; or lastly that had beene punished thrice for the same fault: those which were in this manner cudgilled, were often killed in the place; but if they escaped aliuie, they were to lye in perpetuall exilement. The ceremony vsed in this kinde of cudgilling was, that the knight Martiall should lightly touch the party to be punished with a club, which being done, all the souldiers did beat him with stauces and cudgils; whence we may say of one that deerveth a good cudgelling in *Tully* his phrase, *Fustuarium meretur*. If a *Romane* souldier had broken his rancke by going out of order, then *Virgis cadebatur* i. he was scourged with rods: Sometimes the knight Martiall vpon iust occasion would cause them to bee sold for bondslaues, to be be-

¹ Alex. Gen.
dier. l. 2. c. 13.

² Trib. mille.

³ Cic. orat.
Phil. 3.

headed, to be hanged. All these punishments were personall or particular; there remaineth one which was general, namely when the fault was generall, as in their vproares, conspiracies, &c. Vpon such occasions the souldiers were called together, and every tenth man vpon whom the lot fell was punished with that kinde of cudgilling about spoken of; all the others escaped either without punishment, or with very little. The punishment it selfe was tearmed *Decimatio legionis*, and the reason of this kinde of punishment, is rendred by Tully: *ut metui viz. ad omnes, poena ad paucos perveniret.*

CHAP. 6.

De donis militaribus ob rem fortiter gestam.

Concerning the rewards which were bestowed in war, some were by the *Senate* conferred vpon the L. Generall: others were by the L. Generall conferred vpon his souldiers. Those honours which the L. Generall received were three. First *Nomen Imperatoris*, of which before. Secondly *supplicatio*, i. a solemne procession continued for many daies together, sometimes more, sometimes fewer: all which daies the *Romane* people did obserue as holy daies, offering vp dayly prayers and sacrifice to the Gods in the behalfe of their L. Generall: The custome being that after some notable victory, the souldiers having saluted their chiefe captaine (whom I call their L. Generall) by the name of *Imperator*, then would hee send letters vnto the *Senate* dight with lawrell, wherein he requited both that name to be confirmed, and approved by them, as likewise that they would *Deterere supplicationes*, i. appoint such solemne supplications. Thirdly, they honoured him at his comming home also with a Triumph. *Triumphus vel maior, vel minor erat*, saith *Alexander*. The lesser kinde of triumph was properly called *Ovatio*,² *ab ovo*, from a sheepe, which in this time of his triumph was led before him, and afterward sacrificed by him: As also in the greater triumph

* Salmasius. in Pancir. l. resti deperd. cap. de triumph.

(called properly *Triumphus*) the L. Generall sacrificed a bull. It differeth from the greater triumph first in the acclamation; for in the lesser triumph the souldiers following did as it were redouble this letter O; and some are of opinion that it was therefore called *Ovatio*. In the greater triumph the souldiers followed crying *Io triumphe*, *Io triumphe*: an example whereof may be seene in ^a *Horace*, where he describeth the triumph of *Bacchus*, the first autor of this greater triumph; from whose ^b name also divers autors doe deriue this word *Triumphus*, he being in greeke called *Θυσιαστος*, which by a litle change is made *Triumphus*. Secondly, they differed because in the greater triumph, the L. Generall did weare a garment of state, called by some *Trabea*, ^c by others *Triumphalis*, *Palla* vel *Aurata vestis*; likewise a garland of lawrell; riding in a chariot, the *Senators* themselves with their coronets, their chaines, and other rewards following after. But in the lesser triumph the L. Generall did weare a plaine purple gowne without any gold imbroidering, and a garland of mirtle tree ^d commonly going on foote, sometimes permitted to ride on a horse; the gentlemen and commonalty of *Rome* alone without the *Senators* did meete him. Moreover for a perpetuall memory of this their triumph in some publique place certaine trophies were erected. ^e *Trophaum monumentum dixerunt marmoreum, modo aeneum, cui inscriptiones & tituli a perpetuo duraturus*. ^f *Dicitur est in iuribus* .i. a conversione, from making the enimies to retire and turne backe, Sometimes there were statues, columnes, and arches built in token of triumph. These arches though commonly they were known by the name of *Arcus triumphales*, yet sometimes they are called *Fornices*, ^g whence it is that *Tully* calleth *Fabianes* triumphall arch *Fabianum fornitem*. If it so happened that the *Romane* Generall himselfe personally, did take away any spoiles from the thiefe captaine of the enimies, then did hee hang them vp in a temple consecrated to *Impiter Fere-*
trini,

^a Odd. a. 14.

^b Salmuth. in Pancir. l. i. verū deperd. cap. de triumph.

^c Alex. Gen. lib. 6. cap. 17.

^d Dion. Halicar. lib. 5.

^e Alex. Gen. diat. l. i. c. 32.

^f Serv. Aeneid. lib. 10.

^g Fr. Sylv. in orat. Cic. pro Cn. Plancio.

^b Alex. Gen.
dier. l. 1. c. 14.

ⁱ Alex. Gen.
dier. l. 4. c. 18.

^k Sig. de iure
Rom. l. 1. c. 15.

^j Rosin. antiq.
l. 10. c. 27.

^m Plin. l. 22.
c. 34.

ⁿ Salmoth. in
Pancir. l. 1. c. 1.
de cap.
de coronis.

trium; who was so called, ^b because as the *Romanes* conceited, without the speciall assistance of *Iupiter*, *Dux duorum ferire non poterat*: these spoiles had the name of *Opima spolia*, i. Royall spoiles. The rewards bestowed vpon the souldiers were diuers: either places of office, as the place of a Centurion, of a *Præfektus*, a *Decurio*, &c. or their pay was increased, the spoiles distributed amongst the, or lastly they received certaine gifts tearmed *Dona militaria*. In ancient times those souldiers which had best deserved, receaued a certaine measure of corne called by them *Adorea*; ⁱ and hence it is, that *Adorea* is now used to signifie such laud & praise, as is due vnto a souldier. But after ages for the better encouraging of the souldiers, haue found out more honourable rewards, of which ^k these were the chiefest; *Armilla*, i. a bracelet for the hand-wrest; *Torquis*, a chaine to weare about their necke; *Phalera*, horsetrappings; *Hastapura*, i. a speare hauing no iron at the end of it; (^l it is sometimes called *Hastadamasica*, and *Hastagraminea*;) Lastly *Corona*, crownes, of which *A. Gell.* obserueth these to haue beene the chiefe: 1. *Corona triumphalis*, which in olde time was made of Laurell, but afterward of gold, & thence was it called *Corona aurea*: it was sent by the *Senate* vnto the *L. Generall* in honour of his triumph; secondly *Corona obfudionalis*, which was giuen by the souldiers vnto their *Generall*, when they were freed from a siege: it was made of grasse growing in that place, where they were besieged, whence it had the name also of *Corona graminea*. Now the reason why they made this crowne of grasse growing in the place where they were besieged, was thereby to yeeld yp their right in that place vnto their captaine: for by that ceremony, ^m as *Pliny* obserueth, they did *Terræ & ipsa altrice humo & humatione etiam cedere*. And hence it is, that in races, and the like masteries, hee that was overcome, did gather some of the grasse of that place; and giue it vnto the conquerour, as a token that hee did acknowledge himselfe conquered. ⁿ This is the reason of that Adage, *Herbam dare*

dare, that is, to yeeld the victorie. Thirdly, *Corona civica*, which was bestowed only vpon him, which had saved a citizens life, ° though in processe of time it was also bestowed vpon the Lord Generall, if he spared a *Romane* citizen, when he had power to kill him. It was commonly made of oake; whence it was called *Corona quercus*. Fourthly, *Corona Muralis*: ° He only was honored with this, which did first scale the walles; and enter first into the enemies citie: and hence this crowne was cut vpon the circlet or top like vnto the battlements. Fifthly, *Corona Castrensis*: This the Lord Generall bestowed on him, which first entred into the enemies tents; it did beare in it the resemblance of a bulwarke, or at least of the mound, wherwith the bulwarke was strengthened; which mound was called in Latine *Val-lum*, and thence the crowne it selfe was often called *Vallaris corona*. Lastly, *Corona navalis*, with which he was honored, which first entred into the enemies shippe in a battell vpon sea: it was portrayed with many ship-beakes called in Latine *Rostres*; ° whence the crowne it selfe was often called *Corona Rostata*.

• Figh. li. Ty.
rannus.

• Dion. Hali-
car. lib. 10.

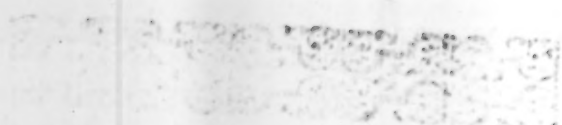
• Figh. lib.
tyrannus.

FINIS.

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INDEX





INDEX RERVM ET VERBO- RVM MAXIME INSIGNIVM.

A. Litera in tabula scripta quid significet ?	98	Ærarium vnde dictum ?	10
A. litera salutaris.	166	Ærarium sanctus.	11
Abdicte quid ?	119	Ærarium militare.	<i>ibid.</i>
Abire flaminio.	47	Ærarium quomodo differat à fisco ?	131
Ab ovo ad malo. <i>Prov.</i>	78	Ære diruti qui, & quare dicti ?	138
Acca Laurentis quæ, & ei cursa-cra. <i>in iurata</i> ?	39	Æs signatum.	161
Actiones redhibitoris quæ ?	128	Æs grave.	<i>ibid.</i>
Accumbendi ratio apud Romanos qualis ?	76	Æsculapij insula.	11
Acerra quid ?	91	Agere forum quid ?	6
Ætus neque plures, neque pauciores in fabula, quam quinque esse debent.	71	Agere pro Tribunali quid ?	134
Ad agnatos, & Gentiles deducendus est. <i>Prov.</i>	154	Agere de plano quid ?	<i>ibid.</i>
Ad meridiem.	65	Agere ad populum.	141
Ad mediam noctem.	<i>ibid.</i>	Agere cum populo.	<i>ibid.</i>
Ad te tanquam ad aram confugi-mus.	8	Agger.	179
Ad te tanquam ad Asylum conf. <i>ib.</i>		Agonalis mons.	3
Addicere quid significet ?	119	Agonales Salij.	49
Addicta bona quæ ?	120	Agones quæ, & vnde dicti ?	60
Addicti servi qui ?	128. & 130	Agrariæ leges.	150
Adiudicialis corna quæ ?	56	Agri scripturarij.	186
Adorea quid ?	192	Alæ aciei.	178
Adscriptus civis quis ?	140	Alarum præfectus.	<i>ibid.</i>
Adulterium quid ?	85	Albæ toga quomodo differerebat à togâ candidâ.	81
Advocatus fisci.	131	Albo-galerus.	46
Ædes Saturni.	10	Albi dies qui ?	66
Ædiles vnde dicti ?	128	Altare quid, & vnde dictum ?	20
Ædiles Curules qui, & vnde dicti ?	<i>ibid.</i>	Alæ præcincti pro expeditis dicti.	79
Ædiles plebeij qui ?	<i>ibid.</i>	Amphitheatrum quid ?	15
Ædiles Cereales qui, & vnde dicti ?	<i>ibid.</i>	Amphora mellaria.	34
Æra Corybantia, & vnde dicta ?	55	Amphora Italica.	143
Ærarij quid ?	97	Amphora Attica.	<i>ibid.</i>
		Amplatio quid ?	186
		Ampliari quid ?	<i>ibid.</i>
		An auctor esset ?	169
		An sponderet ?	<i>ibid.</i>
		An satisfaret ?	<i>ibid.</i>
		An cile coelo delaplum.	49
		Angues pinget duos à, duos Genios.	

nios.	34	ctus?	ibid.
Augusticlavus.	83	Augurum collegium.	40
Augusticlavij.	ibid.	Augures vnde dicti? & eorum numerus initio, ac deinceps quantus?	47
Anniverſarie ſerie quæ?	66	Auguratus ſemel vni datus eidem vivo nuquam adimi potuit.	ibid.
Annonæ præfectus.	129	Augurandi ceremoniæ.	43
Annus quaſi annulus.	62	Auguria proſpera & adverſa quando dicta?	43
Annus Lunaris.	ibid.	Auguria impetrativa.	ibid.
Annus à Romulo inſtitutus.	ibid.	Auguria oblativa.	ibid.
Annus Biſſextilis.	63	Auguſtus Octavius Cæſar dictus.	110
Annus Julianus.	64	Avibus bonis quid?	41
Annus magnus, & vertens.	ibid.	Avibus malis quid?	ibid.
Ante-cœnium quid, & vnde dictum?	76	Avis ſiniſtra quid ſignificet?	43
Ante-pilani qui?	178	Aurea corona.	192
Ante-ſignani qui?	159	Aurum coronarium quid? & vnde dictum?	148
Antiquo quid ſignificet?	98	Auſpices quaſi aviſpices.	40
Aperire ludum.	67	Auſpicij bonis.	41
Apex quid?	46	Auſpicij malis.	ibid.
Apex pileorum genus.	49	Auſpicari rem quid?	ibid.
Apollinares ludi qui?	73	Auſpicium coactum quid? & vnde dictum?	44
Aquæ & igni interdiceret.	116	Auxilia quæ?	174
Ara quid, & vnde dicta?	20	Axarc quid?	10
Ara quare graminæ dictæ?	ibid.		
Archi-gallus quis, & vnde dictus?	54		
Arcus Triumphalis.	191		
Arena.	16		
In Arenam deſcendere.	ibid.		
Arietem emiſit. P. v. v.	50		
Aries machinæ genus, & eius deſcriptio eſt Marcellino.	183		
Armis verſis pugnare.	74		
Arvales fratres qui, quot, & vnde dicti?	39		
Aruſpices vnde dicti?	40		
As.	155		
Aſſiduus in candidatis.	109		
Aſylum.	1		
Atri dies qui?	66		
Attellanæ vnde dictæ?	70		
Auctio quid?	149		
Auctor quis?	ibid.		
Aventinus Mons. 4. & vnde dictus?			

B.

B ^A ſta quid? & vnde dicta?	181
A BAND of ſouldiers, cur ſic dict?	179
Bandum.	ibid.
Barritum tolle e.	174
Baſilica quæ pars templi?	37
Baſilicæ Romanæ quæ?	8
Bellare coſtu quid?	68
Bellum quomodo iudici ſolitum?	50
Benignitas in candidatis.	102
Berecynthia vnde dicta?	54
Beſſis	

Beffus quid? 175
 Biclinium vnde dictum? 76
 Biffexilis annus qui? 63
 Biffextus dies qui? 64
 Blanditia in candidatis. 108
 Bona dea: 53. & quare dicta? *ibid.*
 Buftuarij qui? 74. & 94
 Buftuarij vnde dicti? 74
 Buftum quid? & vnde dictum? 93

C.

C Abaffus mons. 34
 Corlius mons. 3
 Cæfar. 120
 Cæfar juvenutis Princeps. 121
 Cæfar Nobiliffimus. *ibid.*
 Cajus, Caja, maritus & vxor dicti. 88
 Calantica. 84
 Calcei mullei. 85
 Calcei lunati. *ibid.*
 Calcei vicinati. 85
 Calendæ. 64
 Calumniam iurare, de jurare. 165
 Calumniari, prævaricari, negigere
 fari quomodo differunt? 160
 Campus fcleratus. 11
 Campus Martius quare Tiberinus
 dicti? 12
 Candida toga. 79
 Candidatus vnde? 81. 108
 Candidatus Principis. 83
 Cadidatus Quæftor. *ibid.*
 Capitolinus mons. 3
 Capitolium vnde. *ibid.*
 Capite Cenf. 105
 Capitis dunicatio. 117
 Capitis diminutio, maxima, media,
 minima. 116
 Capite damnatus. 117
 Capnomantea. 45
 Caput Porcinum in bello quid, &

quare dicti? *ibid.* 178
 Carceres in circo quid? & vnde? 14
 A Carceribus ad metam. *ibid.*
 Caftoris templum. 9
 Caftrenfes ludi. 75
 Carapula quid, & vnde? 181
 Karmarius. 70
 Karyopos. *ibid.*
 Cataftrophe vite humane. *ibid.*
 Cavea quid? 14
 Caudex quid? 106
 Causæ capitales. 117
 Celeberrima hafta. 87
 Celeres qui & vnde? 87. 111
 Celerum Tribunus. 111
 Cenfor, Cenforia virga. 115
 Cenfus quid fignif. ? 115
 Cenfus Senatorius. 115
 Cenfus Equeftis. *ibid.*
 Centumviri. 117
 Centuria quid? 117
 Centuria Prærogativa. 161
 Centurio. 106. 176
 Ceratæ tal ulæ. 99
 Cereales ludi. 73
 Ceres quomodo effingi folita? 37
 Cereris facra apud Romanos quo
 tempore facta? 37
 Cereti facrificat. *Pro.* 38
 Cerites, munitipes primi. 187
 Ceritestabulæ. *ibid.*
 Cervi, pax aggeris quare dicti? 179
 Cestus. 85
 Chorus tam è viris, quam mulieri-
 bus constabat. 71
 Cintura laxior. 79
 Cintura ftrictior. *ibid.*
 Cintus Gabinus. *ibid.*
 Cinturus. 174
 Cimiliarchium quid? 11
 Circumvenire quid fignif. ? 117
 B b 3. Circenfes

Retum & verborum

Circenses ludi.	68	Comitia, Pontificia, Consularia,	
Circus Maximus.	13	Edilitia.	97
Circus, quare dicitur fallax?	14	Comitia curiata.	97.103
Cives originarij.	27	Comitia centuriata.	97.104
Civitate donatus.	ibid.	Comitia tributa.	97.107
Civilis dies quomodo dividitur?	65	Comitialis mosbus.	103
Clarigatio quid?	50	Comitialis dies.	67
Classicus.	105	Comitialis homo.	ibid.
Classici, Scriptores.	ibid.	Comperendinari quid proprie?	165
Infra Classem.	105	Compitaler ludi.	68
Classicum canere.	ibid.	Conclamare vasa.	174
Clientes qui?	23	Conclamatum est.	98
Clodius accusat merchos, <i>Priv.</i>	54	Concubium.	65
Coactum auspiciu.	44	Conditione tua non utar.	89
Codex vnde?	100	Conferreatio.	87
Cena vnde dicta?	76	Conguarium.	109
Cena Adjicialis; Pontificia.	56	Conscripti Patres, quomodo pri-	
Cenae caput.	78	mum dicti?	13
Cognoscere pronunciare quomo-		Consul.	113
do diff.?	8	Consularis vir.	114
Coho 2.	175	Contules Honorarij; Ordinarij.	115
Coire quid signif.?	127	Consules non Ordinarij; & suffe-	
Collegij magister.	41	sti.	ibid.
Colligatio vasu.	174	Conticinium.	65
Collina.	23	Contubernium: Contubernij ca-	
Colluvij Salij.	49	put.	175
Collis salutaris		Convivia Romanorum qualem va-	
Martialis	3	ria?	75
Latiris		Convivarum quantum numerus?	77
Collis Cuspis		Cornu dextrum vel sinistraci.	
Oppius	4		178
Septimius		Corona quid?	184
Coloniz deductio	185	Corona quae prima apud Rom.	
Comordia vnde? & ejus part.	69		40
Comediae & Tragediarum differentiae		Corona Triumphalis, aurea, obli-	
quedam	73	dionalis, graminea.	191
Comessatio.	76	Corona Civica, quercina, muralis,	
Comitium quid, & vnde?	2	castrensis.	193
locus quis?	204	Corona Vallaris, navalis, rostrata.	
Comitia, & Comitium quomodo			193
differunt?	8		193
Comitia calata.	65		sub

sub Corona quid?	134	Deorum mater.	54
Corybantes unde?	51	Depontani.	97
Corybantia ara.	ibid.	Devorat sacra haud immolata.	61
Cultrarij.	60	Devovere dijs inferis quid?	23
Cuneus militum quid & quare?	178	Deonx.	136
Cunei in theatris quid?	5	Dialis Flamen.	46
Cuniculis oppugnare.	184	Disimz monz.	5
Cura per se quid fig?	4	Dicam scribere.	117
Curia per se aliquando idem quod		Dicam fortiri.	ibid.
domus curialis.	40	Dictator.	113
Hofulia.		Dies bissextus.	64
Curia } Pompeia } 4		Dies civilis quomodo divid.	65
} Julia } 4		Dies albi & atri.	ibid.
Curiz olim spod Romi quot?	40	Dies festi, feriani, profesti, inmerciti.	66
Curiales Flamines.	ibid.	Dies fasti, ex parte fasti, & nefasti.	67
Curialis domus.	ibid.	Dies comitiales.	ibid.
Curio Maximus.	40	Diem alicui dicere.	165
Curiones sexaginta.	ibid.	Differreatio.	87
Curionia.	ibid.	Diffindere diem.	163
Curulis sella.	114	Dij maiorum gentium.	30
Custodes qui?	98	Dij consentes.	ibid.
Cybele, vel Cybele.	54	Dij & Divi quomodo differunt.	16
Cybeleius circulator.	ibid.	Dij animales qui?	31
D.		Dij patrij.	ibid.
Damnatus vox.	74	Dij tutelares.	ibid.
Dapes Saliarcs.	50	Dij communes.	32
Dare herbom.	193. 193.	Dijs iratis aliquid facere.	ibid.
De meridie.	65	Dilaculum.	65
De media nocte.	ibid.	Dimicare quid?	74
Dea Viri-placa.	89	Diminutio & piaz maxima, med a.	116
Dea bona.	53	Diribitores.	98
Decanus.	175	Discumbendi ratio.	76
Decemviri.	122	Discus.	61. 68
Decimatio Legionis.	190	Divortium.	89
Decuriz, Decuriani.	196	Do, dico, addico.	76
Decumanus idem quod maximus		Dodrans.	135
& quare?	186	Domus Curialis.	40
Decunx.	156	Dona militaria.	191
Decuriz.	136	Donatica hasta.	ibid.
Decurio quot signif.?	181	Duella.	156
Delubrum quid & unde?	17	Duumviri sacris factis.	11
		Edictum	

Rerum & verborum

E.

Edictum vnde ?	119	Fata sistere.	119
Edictum perpetuum.	ibid.	Farracia.	87
Edictum peculiare & novum.	ibid.	Fartor.	108
Edictum peremptorium.	165	Fasces pro magistratu.	111
Effari templa quid ?	18	Fasti dies.	67
Elephantini libri qui ?	11	Fatua } Bonæ deæ appellata.	53
Eleusina Ceres dicta.	37	Fax prima	61
Eloquentiæ candidatus.	81	Februarius vnde dictus.	36
Emancipati qui ?	153	Feretrius quare Jupiter dictus ?	192
Emancipatio.	ibid.	Feriatæ dies.	66
Emancipati desiscent esse agnati.	ibid.	Ferix : privata, publicæ, anniver-	66
Emisit arietem. <i>Prop.</i>	50	sarix, stativæ, & conceptivæ.	66
Emisit quid ?	70	Ferix Latinæ, Imperativæ, & In-	67
Epulonum Tiumviri.	37	dictivæ.	103
Equestria.	15	Ferre legem.	66
Equestris ordo.	24	Festi dies.	71
Equitum magister.	113	Fidei Flamines.	ibid.
Equus publicus.	24	Fidus idem olim quod fœdus.	103
Equus militaris.	ibid.	Figere legem, & reficere.	ibid.
Equus idem quid Gell. signif.	180	Figere tabulam.	146
Esquilinus mons.	4	Flama.	ibid.
Esquilina tribus.	41	Flamines quot, & vnde dicti ?	ibid.
Ex parte fasti dies.	67	Flamen Dialis.	ibid.
Ex iure manu consectum te voco.	168	Flamen Martialis.	ibid.
Exaggero vnde ?	179	Flamen Quirinalis.	ibid.
Extispices qui, & vnde dicti ?	45	Flamines maiores, & minores.	ibid.
Extra-muranea Mars quare di-	48	Flamines Curiales.	40. & 47
ctus ?	48	Flaminio abire.	47
Extremi agminis ductores.	176	Flaminicæ.	ibid.
		Flaminij & Flaminia.	ibid.
		Flaminia ædes.	ibid.
		Flammeur.	87
		Flexumines.	111
		Florales ludi.	73
		Foculus quid, & vnde dictus ?	30
		Fœciales.	10
		Fœdus quid ?	188
		Fœdum quid ?	11
		Folium Sibyllæ.	52
		Folia Sibyllæ colligere.	ibid.
		Fortex, seu forceps millium.	178
		Fornices.	

F.

Abioni Luperæ.	97	Fœdum quid ?	11
Fabulæ palliæ, & togatæ.	73	Folium Sibyllæ.	52
Fagutalis Iupiter.	5	Folia Sibyllæ colligere.	ibid.
Fagutalis mons.	ibid.	Fortex, seu forceps millium.	178
Familiaris pars in victimis.	45	Fornices.	
Fanum quid, & vnde dictum ?	17		

Index

Bornices.	191	Gramineæ arx.	20
Forum quot modis sumitur?	6	Graminea hasta.	192
Forum agere.	ib.	Graminea corona.	ib.
Forum indicere.	ib.	Gymnici ludi.	63
Forum Iulium.	7		
Forum Augusti.	ib.	H.	
Forum tranſitorium, & cur ſic di-			
ctum?	ib.	Hasta pura.	192
Forum Traiani.	ib.	Hasta purâ donati.	188
Forum Saluſtij.	ib.	Hasta donatica.	192
Forum Romanum, quod & forum		Hasta Graminea.	ib.
vetus.	ib.	Hasta Celebaria.	87
Fori in Circo Max. quid?	13	Hasta centum viralis.	117
Fratres aruales qui, quot, & vnde		Hasta pro venditione.	149
dicti?	39	Hastæ ludicæ.	117
Fruſmentariæ leges.	150	Hastaria cenſio.	188
Fruſmentum æſtimatum.	151	Hastati qui?	177
Fruſmentum decumanum.	ib.	Heredes primæ ceræ.	99
Fruſmentum emptum.	152	Heredes ex toto aſſe.	ib.
Fruſmentum imperatum.	ib.	Heredes in totâ cerâ.	ib.
Funalia vnde?	94	Heredes ſecundæ.	ib.
Funus.	ib.	Heredes Leg. tati.	ib.
Furciſer vnde?	189	Heres fiduciarius, & imaginarius.	154
Fuſſe cordi.	ib.		
Fuſtuarium meretur.	ib.	Heres in totum aſſem inſtitutus,	
		quomodo differat ab Herede	
		ex toto Aſſe?	156
		Heres ex deuncæ.	
		Heres ex quadrante.	
		Heres ex ſemuncia.	ib.
		Heres ſextulâ aſperſus.	
		Helepolis matlunæ genus, quid &	
		vnde?	183
		Memones aliquando homines di-	
		cti.	31
		Herbam dare.	192, 193
		Herculis ſacerdotes.	38
		Hiſtrio vnde dictus?	69
		Homo comitialis.	67
		Homo omnium ſcenarum.	71
		Homo plurimarum palmarum.	74
		Homo ſacer.	127
		Homini mortuo oſſa ne legito.	93
		H.	

G

Galli Cybellen ſacerdotes	54
Gallica quid?	85
Gallucinum.	65
Gemoniæ ſcalæ Vbi?	5
Genialis arbor quæ?	33
Genialis quid ſig?	ib.
Genialis lectus.	89
Genius bonus & malus.	32
Genio indulgere.	33
Genium deſraudare.	ib.
Genius loci.	34
Globus militum.	173
Gradivus à gradiendo.	48
Græca ſacra.	37
Græca ſacerdos.	ib.

G c

Rerum & verborum

Horrea Sempronia.	151	Intercalaris dies.	63
Horti Salustiani.	7	Intercisi dies.	66
Hostia unde dicta?	58	Intendere actionem, item	165
Hostiare victimam.	ib.	Intempesta nox.	65
Hostilia Curia.	4	Intervallum quid.	179
Hostilis pars in victimis.	45	Interrex.	123

I.

I acere in Senatu.	113	Intonus lavum.	43
Ianualij.	50	Intra centesimum lapidem.	121
Idus.	64	Iudices selecti.	136
Ientaculum unde dict.	75	Iudices quaestionum.	ib.
Igni & aqua interdicare.	116	Iudices lecti sortitione.	163
Ignominiosa dimissio.	188	Iudices editione, edititij, alterni.	ib.
Illicet quid signif.	94	Iudicum decuria.	158
Illotis manibus accedere ad rem.	59	Iudicum rejectio.	166
Illotis pedibus.	ib.	sub Iugum quid?	179
Imago idem quod nobilitas.	26	Iulia Curia.	4
Immolatio.	60	Iulianus annus.	64
Imperativa ferix.	67	Iunonij.	50
Imperator.	130, 190	Iunus, sive Iavus aliquando no-	
quot signif.	176	men Panis.	36
Impetrativa auguria.	43	Iurare Iovem lapidem, vel per Iove-	
In alicujus sententiam ire.	113	rem lapidem.	173
Inauspicato.	41	Iurare Iovem lapidem.	173
Incentumarium.	11	Iupiter Fesetrus.	190
Incentus.	135	Ius honorarium.	11
Incestus unde.	85	Ius Papirianum.	134
Indicere forum quid.	6	Ius & lex quomodo diff.	ib.
Indicta causa damnari.	137		
In diem tertium sive perendinum.	165		

Indigites.	30	I acerna quid?	84
Inferix.	94	Lacernatus oppositus togato.	ib.
Ingenui qui.	27	Lana qualis vestis.	42
In jus vocare.	134	Lavum in rebus sacris quid?	43
In jus vocatio.	165	Lanx.	61
Injustis vindicijs & sacramentis alienos fundos petere.	169	Lapis manalis.	48
In litem jurare.	165	Lapis pro mille pass.	121
In praecinctu stare vel vivere.	174	Lares.	34
		Lare sub parvo.	ib.
		Lari sacrificat.	ib.
		Latiaris collis.	3
		Laticlavia, Laticlavij.	83

Latin

Index.

Latini nominis socij.	187	Lex Fucia.	147
Latinae feriae.	67	Lex Gabinia.	147. 152
Latinus quis.	140	Lex Gellia Cornelia.	140
Laudare defunctum pro rostris.	92	Lex Hircia.	144
Lectus Genialis.	89	Lex Hieronica.	152
Legatio mandata, votiva, libera.	143	Lex Iudiciaria C. r. f.	158
Legatus quot signis.	133	Lex Iulia de Provinciis.	147. de
Leges 12 tabularum.	122. 167	Iudic. 158. de Maiestate.	161
Leges tabellariae.	142	Lex Iunia.	139. 164
Leges de Ambitu.	161	Lex Iunia Licinia de trinuindino.	146
Legio vnde.	174	Lex Licinia.	163
Legio Alaudarum.	159	Lex Licinia Aebutia.	146
Legio Quadrata.	174	Lex Licinia Mutia.	139
Legio Iusta.	175	Lex Livia.	157
Legis promulgatio.	101	Lex Manilia.	142. 152
Lemniscus quid.	74	Lex Mancipii.	161
Lemniscata palma.	ib.	Lex Metnonia.	160
Lessum.	95	Lex Papia.	139
Lex & ius quomodo differunt.	134	Lex Papiria.	137. 142
Lex Accusatoria.	157	Lex Plantia.	158
Lex incerta de Nexu.	160	Lex Pompeia.	ib.
Lex Acilia.	164	Lex Porcia.	139
Lex Acilia Calpurnia.	162	Lex Quadrupli.	116
Lex Aelia.	141	Lex Roscia.	137
Lex Atinia.	156	Lex Rupilia.	157
Lex Aurelia.	158	Lex Sempronia de Civitate.	139
Lex Coecilia Didia.	145	de Comit. 142. de Provinc. 146.	
Lex Caelia.	142	Lex Agrar.	150
Lex Cassia.	ib.	Lex Servilia de Civit. 140. de lu-	
Lex Clodia, ad religionem spect.		dic.	157
138. ad comitia spect. 141. de		Lex Socialis.	164
Magistrat. 845. de Intercess. 146.		Lex Sylvani & Carbonis.	140
de Provinciis, 148. de Cypro, ib.		Lex Terentia Cassia.	151
de frument.	151	Lex Titia.	147
Lex Cornelia de Municipiis. 140.		Lex Tullia de Senat. 143. de Am-	
de Magistrat. 144. 145. de Pro-		bitu.	162
vinciis. 146. Lex Agraria. 150. de		Lex Valeria.	145
Iudic. 159. de parricidio.	167	Lex Varia.	161
Lex Curiata, Centuriata.	103	Lex Vatinia.	148
Lex Domitia.	138	Lex Voconia.	155
Lex Fabia.	162	Libatio.	60
Lex Furia.	155	Libamina prima.	ib.

Rerum & verborum.

Liberi alij ingenui alij libertini. 27
 Libera toga. 80
 Libitina, Libitinarii. 91
 Libitinarius idem quod capula-
 ris. ib.
 Libri vnde. 98
 Libri pens vnde. 160
 Lictores qui & vnde. 111
 Linum incidere. 100
 Litare. 61
 Lite vel causa cadere. 136
 Litis contestatio, Litis Redemp-
 tio, Litis aestimatio, quomodo
 differ. 164
 Loculi. 94
 Lucus vnde dict. 19
 Luceres. 22
 Ludus. 67
 Ludum aperire. ib.
 Ludi compitales, circenses, & sce-
 nici. ib.
 Ludi gymnici. 68
 Ludi sacri, funebres, votivi, ludicri,
 Megalenses, Cereales. 73
 Ludi Florales, Martiales, Apollina-
 res. ib.
 Ludi Castrenses. 75
 Ludus Trojanus. ib.
 Lugere differat ab elugere. 95
 Lunaris annus. 62
 Lupercaleum origo, & ceremo-
 nia. 36
 Lupercalibus quid immolaretur. ib.
 Lupa aluit Romulum & Remum
 expositos. ib.
 Lupercale ubi. ib.
 Luperconum licentia quanta. ib.
 Luperco Fabiani. 37
 Luperco Quintiliani. ib.
 Lustrum. 116
 Lustrum condere. ib.

M.

MAchinis oppugnare. 184
 Mactare hostiam. 60
 Magnus annus. 64
 Magister Collegii. 41
 Magister equitum, populi magi-
 ster. 123
 Magistratum ambire, magistratum
 inire. 118
 Magistratu abire. ib.
 Magistratus quis. 100
 Magistratus Majores. ib.
 Magistratus Minores. ib.
 Magistratus Patricij, plebei. ib.
 Magistratus Quinqueduanus. 113
 Molle, machinæ geant. 183
 Mancipatio. 153
 Mancipes. 186
 Mancipium, mancipatus. 161
 Mane. 65
 Quisq; suos patimur Manes. 32
 Manibus illotis accedere ad re. 59
 Manibus pedibusq; discedere in a-
 licuius sententiam. 113
 Manipuli. 175
 Manipulus militum. 179
 Manipularis. 159, 161
 Manum conferere. 167
 Manumissionis formula. 27
 Mars quomodo effingi solebat. 48
 Marte vario pugnatum est. ib.
 Marte proprio. 48
 Martiales ludi. 73
 Martialis collis. 3
 Mater decorum. 54
 Mavors. 48
 Megalenses ludi. 73
 Megalefia. ib.
 Mellaria amphora. 54
 Mensæ Romanorum quales. 75
 Merenda, vnde dict. 76

Me-

Mereri sub hoc vel illo duce, 172
Meridies, 65
Meta, 14
Miles emeritus, 172
Milites per sacramentum, 173
Milites per conjurationem, 173
Milites evocati, 174
Milites subitarij, 174
Militaria dona, 193
Mimi, qui, & quare planipides dic-
ti, 69
Mimicæ fabulæ, 17
Minervij, 50
Mitra, 31
Mitriaci, 55
Mola, 60
Monitor, 168
Mons Palatinus vnde dictus, 1
Mons Capitolinus, Tarpeius, Sa-
turni, 2
Mons Quirinalis, Agonalis, Cabal-
lus, Caelius, 3
Mons Querculanus, Esquilinus, A-
ventinus, 4
Mons Murcius, 5
Mons Dianæ, 17
Mons Remonius, Sacer, Viminalis,
Fagutalis, 5
Mons Vaticanus, 6
Montorius, 17
More Romano i. ex animo, 17
Morbus Comitialis, 162
Morbus Sonticus, 163
Moribus deductio, 163
Mullei, calceorum genus, vnde,
17
Municipium, quid & vnde, 187
Munus honorarium, 17
Murcia Venus, 5
Murrinata, Murrina potio, 95
Muralis corona, 193
Musculus, vnde & quare, 186
Mutaroxestem, quid significet, 81

N.

Navalis corona, 193
Naulum Charontis, 93
Nefastus dies, 67
Nexi, qui, 18
Nobilitatis ius, 18
Nomen idem quod debitum, 18
Nomen facere, liberare, exigere,
18
Nomenclatio, Nomenclator, 108
Nominis delatio, 165
Nonæ, 64
Nongenti qui, 98
Novi qui dicebantur, 25
Nox intempesta, 65
Nox media, 17
Nuntiatio, 108
Nuncupare vota, 74
Nuptiæ, 86
Nuptiæ innuptæ, 88
Nuptialia dona, 89

O.

Obnunciatio, 108
Observatio de Cæso, 17
Obsidionalis corona, 192
Oblativa auguria, 43
Occasus solis, 65
Olympica certamina, 69
Omen prærogativum, 102
Omne tulit punctum, 98
Omnium scenarum homo, 71
Opera & impensa perierit, 68
Operam & oleam perdidit, 17
Optima spolia, 192
Oppius collis, 4
Ops, 13
Optimates qui, 16
Oracula Sibyllina, 71
Ovatio quid, & vnde dictus, 160. 197
Orbis militum, 198

Rerum & verborum.

Orchestra,	15	Pessinuncia,	94
Ovile, quis locus in Campo Mar-		Pessinuntius sacerdos,	138
tio,	13	Picta toga,	82
P.		Pignora cadere, concidere, rapere	
P'atio quid,	187	auferre,	113
Palatini Salii,	49	Pilani milites, qui,	178
Palatia vnde dicta,	1	Pilum quid,	177
Palatina tr. bus,	22	Pistrinum quid, & vnde,	16
Palatinus Mons vnde,	1	in Pistrinum te dedam,	ib.
Palla	84	Planipides ex calceat.	69
Palliatz fabulz,	73	Plebei qui,	23
Palliat pro Græcis dicti,	78	Plebiscitum,	103. 137
Pallium,	78. 84	Poculum boni genii,	33
Palma, quare victoriz signum,	74	Poculum charitatis,	ib.
Palma lemniscata,	ib.	Pollinctores,	91
Palmarum plurimarum homo,	ib.	Pomærium quid,	1
Palmata toga,	82	Pompeia Curia,	4
Paludamentum,	ib.	Pondus pro toga,	81
Pan Lycæus, & ejus forma,	35	de Ponte de jiciendus,	13
Papia lex,	139	Pontes per quos suffragia tulerint	
Papiria lex,	137	apud Roman, qui,	13
Papyrus,	99	Pontifices, vnde dicti,	56
Parricidium quid,	167	Pontificia cæna,	ib.
Parricidij quæstiores,	116	Pons publicus,	ib.
Pars hostis & familiaris in victi-		Popæ,	78
mis,	45	Populares,	26
Pater Fiduciaris,	153	Popularia,	15
Pater-patratus quis,	50	Portitores qui,	186
Partes conscripti quando primum		Portorium, Portasium, vnde,	ib.
dicti,	23	Postsignani,	159
Patricij qui,	ib.	Postulario, Postulare aliquem, de	
Patroni qui,	ib.	hoc vel illo crimine,	165
Pecuaris quis,	186	Potitij cujus sacerdotes dicti,	38
Pecuniz repetundz,	163	Præcidaneæ hostiz,	59
Pecunia ablata, capta, coacta, a-		Præconi publico subijci,	149
versa,	164	Prædes,	186
Pendere, idem quod solvere,	161	Præfectus Annonæ,	119
Penula,	84	Præfectus Ærarij,	130
Perduellio & Perduellionis iudici-		Præfectus Prætorio,	130. 131
um,	141	Præfectus vrbis,	121
Petones, calceorum genus,	83	Præfectura,	185
		Præfica,	92
		Prærogativa Tribus, vel centu-	118

Index

ria.	101
Prærogativum omen.	102
Prætexta toga.	82
Prætextatæ.	69
Prætextatus differt à togato.	82
Prætextata ætas.	ib.
Prætores vnde.	113. 117
Prætor urbanus, seu major.	117
Prætor peregrinus, seu minor.	ib.
Prætores Cereales.	ib.
Prætores fidei Commiffarij.	ib.
Prætores Quæſitores.	118
Prætorium quot ſignificat.	131
Prandium.	76
Pridè Calendas.	64
Prima fax.	ib.
Prima libamina.	66
Principes inter milites Rom. qui	177
Principia quæ.	ib.
Privatæ feriæ.	66
Proconſul.	132
Profeſti dies.	66
Proletarij.	105
Prologus quid ſit.	71
Prologus i. e. dicitur, per alios.	ib.
Pronunciare, & cognoscere quo-	8
modo diſcrepant.	8
Promulgatio legis.	101. 103
Proprætor.	132
Proquæſtor.	ib.
Proſcripti, qui.	744
Proſcripti.	70
Provincia quot ſig. & vnde diſt.	185
Provincias comparare.	132
Provincias ſortiri.	ib.
Provinciæ Conſulares.	ib.
Provinciæ Prætoriz.	ib.
Provinciam cepiſti duram.	181
Publicanus quis.	186
Publicæ feriæ.	66

Pulla toga.	81
Pullarius.	44
Pulpitum.	15
Pulvinar, aliquando idem quod	
templum.	18
Punctum pro ſuffragio.	98
Pura hafta.	192
Purpurea toga.	82
Puteal Libonis.	9

Q	Vadrans quid.	155
Q	Quadruplatores.	156
Q	Quæſitores Parricidij.	118
Q	Quæſtiones perpetuæ.	ib.
Q	Quæſtor, vnde.	116
Q	Quæſtores ærarij.	ib.
Q	Quæſtores Urbani.	ib.
Q	Quæſtores rerum capitalium.	ib.
Q	Quæſtores provinciales.	133
Q	Querculanus mons.	4
Q	Quertica corona.	193
Q	Quincunx, quid.	155
Q	Quindecimviri ſacris faciundis.	51
Q	Quinqueviri menſarij.	119
Q	Quinqueviri epulonum.	17
Q	Quintuliani Luperci.	37
Q	Quintilis menſis.	64
Q	Quirinalis mons.	3
Q	Quirinalis Flamen.	46
Q	Quirinales Salij.	49
Q	Quirinus nomen Romuli.	3

R	Eddere.	61
R	Regiſta ſacerorum.	48
R	Rem ratam habere.	164
R	Remonius mons.	1
R	Renunciatio Matrimonij.	45
R	Repudium.	89

Res

Rerum & verborum

Res tuas tibi habeto.	90	Salij, quot, & vnde dicti.	49
Reus voti.	74	Salij { Palatini,	49
Rex sacrificus, & Rex sacrorum.	47	Collini.	
	23	Agonales.	
Rhamnenses qui.	54	Quirinales.	
Rhea.	5	Salij quales pilos gestent.	ib.
Rignarius mons.	103	Salutaris Collis.	3
Rogare legem.	93	Salutaris litera quæ.	166
Rogus.	1	Salustiani horti.	7
Roma Vrbs septicolis.	32	Satisfactio quid.	170
Romanæ vrbs nomen incogni-	21	Saturni ædes, quare ærarium po-	
tum.	ib.	puli.	10
Romani civis descriptio.	36	Saturni mons.	2
Romano more. i. ex animo.	9	Satyræ.	69
Romulum & Remum expositos la-	193	Satyræ quale genus carminis.	ib.
pa aluit.	75	Scalæ Gemoniæ.	5
Rostra vbi fuerint, & vnde dicta.	ib.	Scena, in theatro, quid.	15
Rostrata Corona.	2	Scena, in fabulis, quid.	71
Rude donatus.		Scenici ludi, quare & quorū pri-	
Rudis apud gladiatores quid.		mum instituti.	69
Rupes Tarpeia.			
		Scena { Tragica.	72
		Comica.	
		Satyræ.	
		Scena versatilis, vel ductilis.	15
		Sceni, vnde dicti.	14
		Scorpio, machinæ genus.	182
		Scriba.	118
		Scribendo cōficere rationes.	186
		Scriptura vectigalis genus quare	
		dict.	ib.
		Secepsita.	61
		Secutores.	149
		Secundum illum litem do.	136
		Secundipilæ.	178
		Sella Curulis.	114
		Eburnea.	
		Semidei.	30
		Semissis.	151, 155
		Semones, quæsi semi homines.	31
		Semuncia.	156
		Senatus : Senator : Senatus con-	
		sultum Senaculum.	113
		Senator Princeps, Senatores Pe-	
		da	

darj.	ib.	Solea.	85
ad Senatum referre.	ib.	Solis occasu.	65
in Senatu stare.	113	Solstitium tripudium.	44
Senatores minoris gentis qui	33	Sophocleo digna cothurno	73
Senatusconsultum de Ambitu.	162	Sordidarus vnde dict.	81
Septem convivium, novē conviti-		Sortitio ludicum, subfortitio.	166
um faciunt.	77	Spectio.	112
Septemviri Epulonum.	57	Spitinx in Pronao quid signif.	17
Septu, qualis locus in campo Mar-	13	Sponsalia.	86
tio.		Stativæ feræ.	66
Septicollis Vrba.	1	Scipendium quid.	186
Septimius collis.	3	Stipendiarii.	ib.
Septunx.	155	Stipendij fraudatio.	188
Sepulchrum.	94	Stola quid & vnde.	79
Sepultura insepulta.	ib.	Stuprum.	85
Sequestres.	109	Styx, quot signif.	100
Servi addicti.	120	Stylus avertere.	ib.
Servorum duo genera.	28	Subbasilicani, apud Plautum qui.	6
Sestertius.	137	Sublicius pons.	56
Sexagenarij de ponte deijcendi.	97	Subscriptores.	157
		Subsellia.	8
Sextans.	155	Subsignanus.	159
Sextilis mensis.	64	Suburana.	32
Sexualæ.	156	Suffragia legitima conficere.	108
Sibylla, vnde dict.	53	Suffragia explese.	ib.
Sibyllæ, quot.	53	Suffragiorum puncta non tulit	
Sibyllina oracula.	51	septem.	98
Sibyllæ folium.	53	Suovetauralia, solitauralia.	116
Sibyllæ folia colligere.	ib.	Supplicatio.	190
Signa, quid, & quomodo olim fi-	77	Supplicationes decernere.	ib.
garantur.		Synthesis.	55
Signa conferre, collatis signis			
pugnare.	174		
Signatores.	86		
Silium.	75		
Silicernum quid.	94		
Simpulum, vel siccupium.	60		
Sinistra avis.	43		
Sinistrum in rebus sacris quid.	ib.		
Siticipines.	93		
Socens.	73		
Sodalitas.	163		

T abellarius.	99
Tabella.	ib.
Tabernariæ.	69
Tabulæ ceræ.	99
Tabulæ accepti & expensi.	ib.
Tabulæ } Publi. cae.	
Tabulæ } Novæ.	
Tabulæ } Auctionaria.	ib.

Retum & verborum

Res tuas tibi habeto.	90	Salij, quot, & vnde dicti.	49
Reus voti.	74	Salij { Palatini,	} 49
Rex sacrificulus, & Rex sacrorum.	47	Collini.	
	22	Agonales.	
Rhamnenses qui.	54	Quirinales.	
Rhea.	5	Salij quales pileos gestient.	ib.
Rignarius mons.	103	Salutaris Collis.	3
Rogare legem.	93	Salutaris litera quæ.	166
Rogus.	1	Salustiani horti.	7
Roma Vrbs septuaginta.	32	Satistatio quid.	170
Romanæ vrbs nomen incogni-	21	Saturni ædes, quare ærarium po-	
tum.	ib.	puli.	10
Romani civis descriptio.	9	Saturni mons.	2
Romano more. i. ex animo.	36	Satyræ.	69
Romulum & Remum expositos lu-	193	Satyræ quale genus carminis.	ib.
pa aluit.	75	Scalæ Gemoniæ.	5
Rostra vti fuerint, & vnde dicta.	ib.	Scena, in theatro, quid.	15
Rostrata Corona.	2	Scena, in fabulis, quid.	71
Rude donatus.		Scenici ludi, quare & quorū pri-	
Rudis apud gladiatores quid.		mum instituti.	69
Rupes Tarpeia.			

S.

Scena { Tragica. }
Comica. } 72
Satyrica.

Sacer homo.	137	Scena versatilis, vel ductilis.	15
Sacra haud immolata devo-	61	Scena, vnde dict.	14
rat.	170	Scorpio, machinæ genus.	182
Sacramentum, quid sig.	ib.	Scriba.	118
Sacramento & sponthone provo-		Scribendo cōficere rationes.	186
care, rogare, quætere, stipula-		Scriptura vectigalis genus quare	
ti.	ib.	dict.	ib.
Sacramento contendere, restipu-	ib.	Secespita.	61
lari.	19	Secutores.	149
Sacrarium, quid.	73	Secundum illum litem do.	136
Sacri ludi qui dicti.	58	Secundipiliæ.	178
Sacrificia, & ritus sacrificandi.	93	Sella Curulis. }	114
Sacrilegus, quis & vnde.	47	Eburnea. }	
Sacrorum rex.	127	Semidei.	30
Sacrosanctus, quis dictus.	79	Semissis.	151. 155
Sagum, quid.	ib.	Semones, quasi semi homines.	31
ad Saga ire.	ib.	Semuncia.	156
Saga rogæ cedant, idem quod ce-	ib.	Senatus : Senator : Senatus con-	
dant arma rogæ.	50	sultum Senaculum.	172
Saliares dapæ.		Senator Princeps, Senatores Pe-	

da

Index

darj.	ib.	Solea.	87
ad Senatum referre.	ib.	Solis occasus.	67
in Senatu stare.	113	Solistimum tripudium.	44
Senatores minoris gentis qui	23	Sophocleo digna cothurno	73
Senatusconsultum de Ambiru.	162	Sordidarus vnde dict.	81
Septem convivia, novē conviti-		Sortitio ludicum, subfortitio.	166
am faciunt.	77	Spectio.	112
Septemviri Epulonum.	77	Splinx in Pronao quid signif.	17
Septa, qualis locus in campo Mar-		Sponsalia.	86
tio.	13	Stativæ ferix.	66
Septicollis Vrba.	1	Stipendium quid.	186
Septimus collis.	2	Stipendiarii.	ib.
Sepeunx.	155	Stipendij fraudatio.	198
Sepulchrum	94	Stola quid & vnde.	79
Sepultura insepulta.	ib.	Stuprum.	85
Sequestris.	109	Stylus, quot signif.	100
Servi addicti.	120	Stylum invertere.	ib.
Servorum duo genera.	28	Subbasilicani, apud Plautum qui.	6
Sestertius.	137	Sublicius pons.	56
Sexagenarij de ponte deijciendi.	97	Subscriptores.	157
		Subsellia.	8
Sextans.	155	Subsignanus.	159
Sextilis mensis.	64	Suburana.	22
Sexualz.	156	Suffragia legitima conficere.	108
Sibylla, vnde dict.	53	Suffragia expletæ.	ib.
Sibyllæ, quot.	52	Suffragiorum puncta non tulit	
Sibyllina oracula.	51	Septem.	98
Sibyllæ folium.	52	Suovetauralia, solitauralia.	116
Sibyllæ folia colligere.	ib.	Supplicatio.	190
Sigma, quid, & quomodo olim fi-		Supplicationes decernere.	ib.
garatum.	77	Synthesis.	55
Signa conferre, collatis signis			
pugnare.	174		
Signatores.	86		
Silatum.	75		
Silicernium quid.	94		
Simpulum, vel festuculum.	60		
Sinistra avis.	43		
Sinistrum in rebus sacris quid.	ib.		
Sitienes.	92		
Soccus.	73		
Sodalitia.	169		

T.

T	Abellarius.	99
	Tabella.	ib.
	Tabernariz.	69
	Tabulæ ceratæ.	99
	Tabulæ acceptæ & expensæ.	ib.
	Tabulæ } Publicæ.	
	} Novæ.	ib.
	} Auctionaria.	

D d

Ta.

Rerum & verborum.

Tabulam figere.	103	Triarij.	159. 177
Tabularium, quid & vnde	11	ad Triarios ventum est.	177
Talaffio quid signif.	82	Tribunus Celerum.	177
Tarpeius mons.	2	Tribus pariter & videretur	22
Tarpeia rupes.	ib.	Tribus locales quot.	ib.
Taxiensis qui	22	Tribus Urbanæ.	107
Taurilia.	116	Tribus Rusticæ.	ib.
Tæda quid.	88	Tribus iurevocata.	102
Templum.	16	Tribus prærogativa.	102
Templum apud augures certa co-		Tribuni militum.	124
li regio.	42	Tribuni Rutuli, Rufuli.	124
Tergiductores.	176	Tribuni fuffecti, Comititæ.	ib.
Tessera quid.	189	Tribuni plebis.	127
Testamentum calatis comitiis.	97	Tributum quid; Tributarij.	186
	154	Triclinium vnde dictum.	76
Testamentum in procinctu.	154	Triens quid.	155
Testamentum per emancipatio-		Triumphus vnde dict.	191
nem famulæ.	ib.	Triumphus quomodo differt ab	ib.
Testamentum, per, x's & libræ.	155	ovatione.	ib.
Testamentum per nexum.	ib.	Triumphus major, minor.	190
Testudo, quot signif.	180	Triumphalis arcus.	191
Testudo militaris.	ib.	Triumphalis corona.	ib.
Theatrum quid & vnde.	14	Triumviri Reip. cõstituendæ.	115
Titij, qui & vnde.	57	Triumviri Capitales.	129
Toga, vnde dicta.	78	Triumviri Mensarij.	ib.
Toga mulier, pro impudica.	79	Triumviri conquiendi iuvenes i-	ib.
Togam virilem fumore.	80	doneos ad arma ferenda.	ib.
Toga pura quid.	ib.	Triumviri Coloniz deducendæ.	ib.
Toga {Alba		Triumviri monetales.	ib.
{Candida}		Triumviri valetudinis.	130
{Pulla.}		Triumviri Nocturni.	ib.
Toga prætexta, purpurea.	82	Triumviri Epulonum.	57
Toga Picta, Palmata.	ib.	Tripudium.	44
Toga Triumphalis.	83	Tripudium solistimum.	ib.
Togæ fabulæ.	73	Troia.	75
Togati pro Romanis dicti.	78	Trojanus ludus.	ib.
Tormentum, quid & vnde.	182	Tunica.	83
Trabea.	114	Tunica pallio propior.	ib.
Trabea {Auguralis.		{Laticlavia.	
{Regia.		{Angusticlavia}	83
{Consecrata.}	83	{Recta.	
Tragœdiæ & Comœdiæ differen-		Turma.	157
tiz quædam.	72	Turres ambulatoria.	190
		Tu-	

Index

Testamentaria.		Victimam hostiare.	ib.
Legitima.		Victimarii.	66
Tutela	153	Vigilia. 1. 2. 3. 4.	65
Dativa.		Viminalis mons.	5
Fiduciaria.		Vimineus Iupiter.	ib.
Honoraria.		Vindicias sumunt.	168
Tutores Honorarij.	ib.	Vindicatio quid.	ib.
Tyro, Tyrocinium.	175	Vindicta liberare.	28
		Vinea quid.	180
		Virgis card.	189
V. R. tabulis inscript. quid sign.	98	Virgula Censoria.	115
Vacationes.	139	Viliis toga.	80
Vadari seum.	165	Visceratio.	95
Vallis corona.	193	Vicia quid.	156
Valla, Valli.	179	Vnum pro omnibus.	165
Vallus vitem decepit.	180	Vota nuncupare.	74
Vbi tu Caius sibi ego Caius.	88	Voti reus.	ib.
Vestigal.	186	Voti vel voto damnatus.	ib.
Velites.	177	Votivi ludi.	73
Velitationem agere.	ib.	Vovere ludos vel templa.	74
Venditio per 2s & libram.	160	Vrna.	94
Versis armis pugnare quid.	74	Vt me ludos facit.	67
Vesper.	65	Vt tu Dominus, ita ego Domina.	88
Vesper, & vespillones qui & vnde.	92	Vxor vnde.	ib.
Vestales virgines.	57	Vxor	} 87
Vestes Romanae.	78	Vitia	
Vexillum vnde.	118	Confartatione.	}
Vexillum Roscum.	172	Coemptione.	
Vexillum Caeuleum.	ib.	Z.	
Vexillationes vnde, & quare.	178	Zona quid.	84
Vicesimarium aurum.	11	Zonam perdere.	ib.
Vicina vnde dicta.	58	Zonam solvere.	ib.

FINIS.